



COMMERCIAL OCCUPANCY AND MAINTENANCE 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

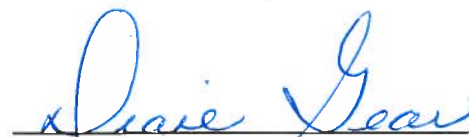

TOWN CLERK

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PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Sections 414 of the Municipalities Act, 1999 SNL 1999 Chapter M-24 and Sections 34, 35 and 36 of the Urban and Rural Planning Act, 2000 SNL 2000 Chapter U-8 and any other sections found enabling under the Municipalities Act, 1999 as amended and the Urban and Rural Planning Act, 2000 as amended, 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 commercial buildings and classes of buildings.

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.

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TOWN CLERK

COMMERCIAL OCCUPANCY AND MAINTENANCE REGULATIONS, 2012

Title

1. Title

These Regulations may be cited as the "Town of Labrador City Commercial Occupancy and Maintenance Regulations, 2012".

Definitions and Application

2. Definitions

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

- (a) "Accessory Building" means a subordinate building located on the same lot either attached or detached from the main building, and having a use which is customarily incidental or complimentary to the main use of the building or land to which it is accessory;

- (b) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;
- (c) "Building" means
 - i. 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 commercial and other similar uses;
 - ii. a part of and fixtures on buildings referred to in (i) and (iii), and
 - iii. an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (i) and (ii);
- (d) "Commercial property" shall mean any property or building that is used or designed for use for business, commercial, industrial or institutional purposes including but not limited to: all accessory buildings, out buildings, fences, barriers, retaining walls, or other erections therein and thereon, or vacant land within a commercial or industrial zone;
- (e) "Council" means the Town Council of Labrador City;
- (f) "Enforcement Authority" means Council or its authorized administrator;
- (g) "Ground Cover" means organic or inorganic material and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping;
- (h) "Land" means the land around and appurtenant to the whole or any part of a commercial property;
- (i) "Minister" means the minister appointed under the *Executive Council Act* to administer the Act;
- (j) "Multiple Use Building" means a building containing both a dwelling unit and a non-residential property;
- (k) "Order" means a notice of violation and order to clean, demolish or repair a building or commercial property;
- (l) "Owner" means the legal entity having title to the property;

- (m) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (n) "Police Officer" means a member of the Royal Newfoundland Constabulary, a Municipal Enforcement Officer or a representative of the Office of the Fire Chief of the Town of Labrador City;
- (o) "Toilet Room" means a room containing a water closet and a wash basin;
- (p) "Vacant" when applied to buildings which are unoccupied and which are no longer used nor intended to be used for the accustomed and ordinary purposes of the building;
- (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 the 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 commercial, industrial and institutional property contained within the boundaries of the Town of Labrador City.
- (3) 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.
- (4) 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*

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.

5. *Encroachments*

All buildings and structures shall be contained within an owner's property boundaries and shall not be constructed within a municipal or utility easement without the expressed permission of the respective authority.

6. *Hazard to Motorists*

No fence, barrier, accessory building or out building shall be placed or permitted to remain on any part of a property whereby reason of its height or location creates a hazard to motorists.

7. *Occupancy*

- (1) No person shall use, permit the use of, rent, or offer to rent any building in violation of any provision of these Regulations or any other by-law or regulation of the Town.

- (2) The owner of any commercial property shall put and keep in repair and maintain same in accordance with these Regulations, or demolish the whole or part thereof that is not in accordance with these Regulations.
- (3) The owner and the tenant of a building shall be jointly and severally liable to:
 - a) Maintain all plumbing, fixtures and all storage facilities and other equipment therein in a clean and sanitary condition and in good working order;
 - b) Keep all exits therefrom clean and unobstructed; and
 - c) Maintain same in a clean and sanitary condition and free from fire and accident hazards.
- (4) 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.
- (5) The owner of any vacant property shall protect every such building against risk of accident or other danger by effectively preventing the entry thereto by all unauthorized persons.

Standards

8. *Cleanliness*

Every floor, wall, ceiling, fixture, appliance and equipment in every commercial property shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.

9. *Fire Prevention*

- (1) All buildings shall meet the requirements of those local, provincial and national fire regulations that may be applicable.
- (2) A building 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 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.

10. Maintenance

- (1) All properties within the municipal boundaries including land, buildings, structures, fences, accessory buildings, 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.
- (2) Without restricting the generality of Section 7(5), protection of a vacant building may include boarding up the building with tight fitting plywood, securely fastened to every doorway, window or wall opening that constitutes a means of access, hazard or an unsightly appearance.
- (3) All materials used for boarding up a vacant building shall be covered and maintained with a preservative which is colour coordinated to the exterior of the building.

11. Quality of Repairs

All repairs to a building shall be made in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose.

12. Structural Soundness

- (1) Every part of a commercial property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- (2) Materials of a commercial property which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced.
- (3) Exterior walls, roofs and other parts of a commercial property shall be free from loose and unsecured objects and any materials, and improperly secured objects and material shall be removed, repaired or securely replaced.
- (4) All exterior exposed surfaces of a commercial property not inherently resistant to deterioration shall be treated with a protective coating of paint or otherwise repaired, coated, sealed or treated, to protect them from deterioration or weathering.

13. Sewerage and Drainage

- (1) All property shall be graded and drained in such a manner as to prevent excessive recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

- (2) Drainage water from a roof surface and surface drainage shall be conveyed to a storm sewer. If such a storm sewer is not available to the land, the rain water shall be disposed of in such a manner as not to create a nuisance.
- (3) Sewerage or organic waste of commercial properties shall be discharged into a sewerage system in accordance with all requirements of the Enforcement Authority.

14. Safe Passage

- (1) All steps, walks, driveways, parking spaces and similar areas of the land shall be maintained so as to afford safe passage, in the opinion of the Enforcement Authority, under normal use and weather conditions.
- (2) Elevators, escalators and conveyor belts shall be maintained so as to afford safe passage in the opinion of the Enforcement Authority.

15. Egress

- (1) Every building shall have a safe, continuous, and unobstructed passage or means of egress from the interior of the building to the exterior of the building at street or grade level in accordance with the National Building Code.
- (2) The means of egress required in Section 15(1) shall not pass through another occupancy or business to meet the means of egress.

16. Fences and Litter

- (1) Drive-in eating establishments shall keep their land and premises clean and free of litter, garbage, cartons, wrappers, paper, rubbish and other debris and shall provide on the premises such number of suitable garbage containers as the Enforcement Authority may require.
- (2) All fences around or on non-residential property shall be kept in good repair, free from accident hazards and protected by paint, preservative or other weather resistant material.

17. 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. 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.
- (4) Retaining walls and barriers shall be kept in good repair and free from hazard.
- (5) Without restricting the generality of Section 17(4), the maintenance of retaining walls includes:
 - (a) repairing or replacing deteriorated, damaged or missing portions;
 - (b) installation of subsoil drains;
 - (c) grouting, and
 - (d) applying paint or a preservative to metal or wooden parts.

18. Signs

All signs and billboards constructed under a permit approved by Council, shall be maintained in good repair and any signs which are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, shall be removed or put into a good state of repair in accordance with the Town of Labrador City Development Regulations.

19. Parking Lots

- (1) All areas used for vehicular and pedestrian traffic and parking shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair and shall also conform with the provisions of all other applicable laws and regulations of Council.
- (2) Where in the opinion of the Enforcement Authority, an equivalent surfacing material referenced in Section 19(1) presents a safety hazard, or nuisance, the owner shall be obliged to correct the hazard and proceed with paving with bituminous or a concrete surface.
- (3) A safety hazard referenced in Section 19(2) shall include, but not be limited to, gravel or stone tracking onto the sidewalk or street.

- (4) Individual parking spots shall be clearly marked on the parking surface including special provision for impaired parking.
- (5) Impaired parking spots shall be painted in accordance with standard colour and insignia and also marked with vertical signage visible throughout the winter months and installed to the satisfaction of the Enforcement Authority.
- (6) Directional arrows to assist with traffic flow shall be provided on the parking surface and/or signage as may be required by the Enforcement Authority.

20. *Garbage Disposal*

- (1) Each commercial property shall be equipped with sufficient receptacles to contain all garbage, rubbish, ashes and trade waste. Where such receptacles are located outdoors, the receptacle shall be at least twenty-five (25) feet from that building and surrounded by an enclosure or vegetation, in accordance with the Town of Labrador City Development Regulations, that effectively screens such receptacles from view.
- (2) The design, construction and location of garbage receptacles and screening referred to in Section 20(1) shall be approved by the Enforcement Authority and shall be maintained at all times in a clean and sanitary condition.
- (3) Plastic bags shall not be stored outdoors unless protected from damage.
- (4) Every commercial property shall have animal, rodent and bird proof storage space for garbage and other wastes.
- (5) The lands of every commercial property shall be kept free of refuse and litter.

21. *Lands*

- (1) The lands shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard.
- (2) Heavy undergrowth and noxious plants, such as ragweed, poison ivy, poison oak and poison sumac shall be eliminated from the lands.

- (3) No vehicle, trailer, or boat, or mechanical equipment which is in a wrecked, discarded or dismantled condition shall be parked, stored or left on the lands. Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a screened fence.
- (4) Where, in the opinion of the Enforcement Authority, screening is required, an outdoor salvage yard shall be obscured by screening from surrounding properties. Such screening shall be of uniform construction and shall be in accordance with the Town of Labrador City Fence Regulations, 2012. Where, in the opinion of the Enforcement Authority, screening is not required, the Enforcement Authority may require a fence to be erected around an outdoor salvage yard so as to restrict access.
- (5) All lands not used for vehicular or pedestrian traffic shall be landscaped and provided with an acceptable ground cover to prevent erosion. Landscaping shall be designed to drain storm and surface water in a manner acceptable to the Enforcement Authority. Landscaping shall be maintained in a manner acceptable to the Enforcement Authority.
- (6) All lawns, hedges and bushes on the lands shall be kept trimmed.
- (7) The Enforcement Authority shall have power to enter upon any land or premises where he/she knows or suspects any matter or thing is placed or kept in violation of this section and order the removal, disposal or abatement by the owner or tenant of any such land or premises or both of them of any such dilapidated or unsightly machine, vehicle, matter or thing or any such litter or refuse within such period as the Enforcement Authority may determine, and if such order is not complied with, the person on whom such order is served shall be liable to all the penalties provide by this Regulation for such non-compliance, and in addition the Enforcement Authority shall have the authority to engage its employees, contractors, servants or agents to remove any such unsanitary matter or any such machine, vehicle, matter or thing or any litter of refuse, the cost of which shall be borne by and may be recovered as a civil debt from the person against whom the order was made.
- (8) All lands, premises and buildings, including accessory buildings, fences and signs, shall be kept free of graffiti.

22. Basement Floors

- (1) Basements or cellars in a commercial property which are served by a stairway leading from the building or from outside the building shall have a concrete floor, and where required, with a floor drain located at the lowest point of said floor and connected to an approved sewerage system.
- (2) A concrete floor in a basement or cellar in a commercial property shall be free from major cracks, breaks or such as not to create a hazardous condition.

23. Foundations

- (1) A foundation, walls and basement, cellar or crawl space floor in a commercial property shall be maintained in good repair and structurally sound and where necessary shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, and water-proofing the walls or floor.
- (2) Every commercial property unless of the slab-on-grade type shall be supported by, foundation walls or piers which extend below the frost line or to solid rock and all footings, foundation walls, piers, slab-on-grade shall be of masonry or other suitable material.
- (3) Section 22(2) shall not apply to accessory buildings and non-habitable buildings.

24. Exterior Walls

- (1) The exterior walls of all commercial properties and their components shall be maintained so as to prevent their deterioration due to weather and insects, and shall be so maintained by the painting, restoring, or repairing of the walls, coping or flashing, by the water-proofing of joints and of the walls themselves.
- (2) All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhang extensions of commercial properties shall be maintained in good repair, be properly anchored and shall be protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- (3) All cornices, entablatures, belt courses, corbels, terra-cotta trim, wall facings and similar decorative features of commercial properties shall be maintained in good repair with proper anchorage and in a safe conditions.

- (4) All air conditioners of or in commercial properties which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- (5) All air conditions of or in commercial properties, shall be maintained in a safe mechanical and electrical condition.
- (9) Where mechanical ventilation is used in or for a commercial property, the ventilating duct which is on the exterior wall shall not be located closer than six (6) feet from a window located in an adjoining building.

25. Roof

A roof, including the fascia board, soffit and cornice of commercial properties shall be maintained in a watertight condition so as to prevent leakage of water into the building.

26. Dampness

The interior floors, ceilings and walls of commercial properties shall be kept free from dampness.

27. Doors and Windows

- (1) All exterior openings in commercial properties shall be fitted with doors or windows.
- (2) Windows, exterior doors and basement or cellar hatchways of commercial properties shall be maintained in good repair so as to prevent entrance of wind or rain into the dwelling.
- (3) Rotted or damaged doors, door frames, window frames, sashes and casings, weather stripping, broken glass and defective door and window hardware of commercial properties shall be repaired or replaced.

28. Stairs

An inside or outside stair and any porch appurtenant to it shall be constructed in accordance with the National Building Code and maintained so as to be free of holes, cracks, and other defects which may constitute possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

29. Railings and Handrails

Where, in the opinion of the Enforcement Authority, a safety hazard, or nuisance exists, every balcony, porch, landing, mezzanine, gallery, stairwell and stairway shall have guards and handrails constructed in accordance with the National Building Code.

30. Walls and Ceilings

- (1) Every wall and ceiling of commercial properties shall be maintained so as to be free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.
- (2) Where occupancies in a commercial property are separated vertically, the dividing walls shall be continued in the basement from the top of the footings to the underside of the finished floor surface, and in the attic from the top of the finished ceiling surface to the underside of the finished roof surface and such walls shall consist of each side of two half inch layers of gypsum wallboard or material of equivalent fire resistance rating and all cracks or opening shall be tightly sealed with caulking of mineral wool or similar non-combustible material.

31. Floors

- (1) Every floor in every commercial property shall be smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident or allow dirt to accumulate, and all defective floor boards shall be repaired.
- (2) In every commercial property where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or might cause an accident, the linoleum or the covering shall be repaired, replaced or removed.
- (3) Every bathroom, toilet room or shower room in every commercial property shall have a floor of water repellant construction with a base moulding at least two inches in height, except at the door opening.

32. Heating System

- (1) In any commercial property the heating system shall be maintained in good working condition so as to be capable of heating the building safely and auxiliary heaters shall not be used as a primary source of heat.
- (2) In any commercial property no room heater shall be placed so as to cause a fire hazard to walls and any other equipment, nor to impede the free movement of persons within the room where the heater is located.
- (3) In any commercial property where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- (4) In any commercial property equipment burning fuels shall be properly vented by a connection duct or flue pipe leading to a chimney or a vent flue approved by the Office of the Fire Chief.
- (5) In any commercial property all flues shall be kept clear of obstruction, all open joints shall be sealed and broken loose masonry shall be repaired and the vents shall be maintained to prevent gases from leaking into the building. Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into the building.
- (6) In any commercial property a fuel burning central heating system in a multiple use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating in accordance with the National Building and Fire Codes.

33. Plumbing

- (1) All plumbing, drain pipes, water pipes, and plumbing fixtures in every commercial property and every connecting line to the sewerage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing and all of which shall conform to requirements of the Enforcement Authority.
- (2) Where necessary due to the nature of the construction of the building, all water pipes subject to the possibility of freezing shall be insulated, heated or otherwise protected.

- (3) In every commercial property all waste pipes shall be connected to the sewerage system through water seal traps and all plumbing systems shall be properly vented to the outdoors.

34. Toilet Room Facilities

Every commercial property shall conform to the following requirements:

- (1) Buildings where people work shall have a minimum of one water closet and one wash basin supplied with hot and cold running water located in an enclosed room conveniently accessible to the employees.
- (2) All toilet rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the occupant.
- (3) All toilet facilities and toilet rooms shall be kept clean and neat at all times and the toilet room walls and ceiling shall be provided with a smooth surface and where paint is used as the surface coating it must be maintained and painted as is necessary for cleanliness.
- (4) Each toilet room shall be provided with toilet paper, individual towels or other means of drying.
- (5) Every toilet room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of one square foot.
- (6) An opening for natural ventilation may be omitted from a toilet room where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the building and which operates whenever the light is turned on in the toilet room.
- (7) Where mechanical ventilation is used the ventilation duct which is on the exterior wall shall not be located closer than six feet from a window located in an adjoining building.

35. Electrical Service

Every commercial property shall conform to the following requirements:

- (1) Fuses or overload devices shall not exceed limits as established by provincial laws and regulations.

- (2) Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.
- (3) The electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with all provincial laws and regulations.
- (4) All electrical rooms shall be free of debris and shall not be used for storage.

36. *Light*

Every commercial property shall provide sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination of at least five foot candle power in all passageways and stairways whenever the building is in use, and at least one foot candle power in all stairways provided for use in case of fire or other emergency.

37. *Ventilation*

Every commercial property shall conform to the following requirements:

- (1) Every building shall be so constructed and protected as to prevent the passage of noxious gases from a part of the building that is not used, designed or intended to be used for human occupation into other parts of the building.
- (2) Every room where people work shall have an opening or openings for natural ventilation and such openings or openings shall have a minimum aggregate unobstructed free flow area of three square feet and shall be located in exterior walls or through openable parts of skylights.
- (3) An opening for ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour.

38. *Basement or an Unheated Crawl Space*

Every commercial property shall conform to the following requirements:

- (1) Every basement and unheated crawl space shall be equipped with smoke detection.

- (2) Every basement and unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than one (1) percent of the floor area for basements and one (1) square foot per five hundred (500) square feet of crawl space area.
- (3) An opening for natural ventilation may be omitted from the basement or unheated crawl space where a system of mechanical ventilation has been provided which changes the air once each hour.

39. Civic Number

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

40. Accessory Building

- (1) An accessory building shall be kept in good repair and free from health, fire and accident hazards.
- (2) Where an accessory building or the land may harbour noxious insects or rodents, all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.
- (3) Where a mobile structure has been modified under a permit of Council to create an accessory building, the resultant accessory building shall comply with the National Building Code and its architectural style shall conform with that of the primary structure to which it is subordinate.

41. Pest Prevention

- (1) Every commercial property shall be kept free of rodents, vermin and insects at all times.
- (2) A basement or cellar window in a commercial property used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material as will effectively exclude rodents.

42. *Responsibility of Tenant*

Subject to the provisions of any lease, the tenant of a commercial property shall:

- (1) Maintain that part of the commercial property which he occupies or controls in a clean, sanitary and safe condition.
- (2) Maintain all plumbing fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which he occupies, or controls, in a clean and sanitary condition, and provide reasonable care in the operation and use thereof.
- (3) Maintain a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- (4) Dispose of garbage and refuse into receptacles in a clean and sanitary manner.
- (5) Exterminate insects, rodents and other pests within the premises.
- (6) Maintain lands in a clean, sanitary and safe condition and free from infestation insofar as he occupies or controls said commercial property and any parts thereof.
- (7) Make available containers for the disposal of refuse which may be discarded by customers and keep the lands and surrounding property free of such refuse.

Powers of Enforcement Authority and Compliance

43. *Powers of Enforcement Authority*

- (1) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority.
- (2) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or tenant in violation of a provision of these Regulations, a serially numbered notice instructing the owner or tenant of the building or property which does not conform to the standard:

- (a) To undertake work to make the 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.
- (3) The owner or tenant shall carry out the directions of Council referred to in Section 43(2) at the cost of the owner or tenant and within the time specified.
- (4) 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.

44. *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.

45. *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 43(2) 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 Section 45(1), except in the case of gross negligence.

46. 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.

47. 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.

Repeal of Previous Regulations

48. Repeal

All previous commercial occupancy and maintenance regulations for the Town of Labrador City are hereby repealed.