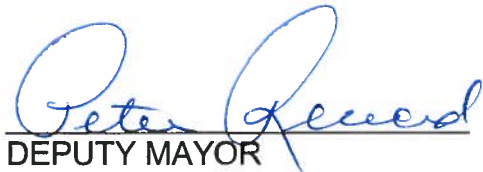


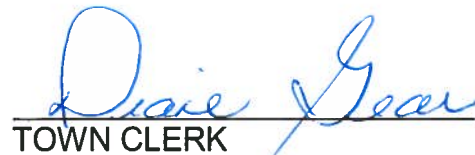


## **RESIDENTIAL OCCUPANCY AND MAINTENANCE REGULATIONS, 2012**

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

A copy of these Regulations was sent to the Minister of Municipal Affairs on the 18<sup>th</sup> 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 residential buildings and classes of buildings.

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

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18<sup>th</sup> day of July, 2012.

  
DEPUTY MAYOR

  
TOWN CLERK

## RESIDENTIAL OCCUPANCY AND MAINTENANCE REGULATIONS, 2012

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### Title

#### 1. **Title**

These Regulations may be cited as the "Town of Labrador City Residential 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) "Apartment" means a dwelling unit which contains bathroom and kitchen facilities for the exclusive use of the occupant or occupants of the dwelling unit, in which such facilities are contained;
- (c) "Apartment Building" means a dwelling containing three or more separate dwelling units each having an independent entrance either directly from outside the building or through a common vestibule, but does not include a row dwelling or a residential dwelling with a subsidiary apartment;
- (d) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;
- (e) "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 residential 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);
- (f) "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;
- (g) "Composting" means the storage and controlled biochemical decomposition of vegetables, fruit or garden waste;
- (h) "Commercial vehicle" means a vehicle designated to carry goods, or to carry more than six passengers in addition to the driver, and also means a truck, delivery wagon, hearse, fire engine, traction engine, commercial trailer, flatbed trailer and any other vehicle designed for commercial, agricultural or industrial use;
- (i) "Construction equipment" shall include all snow-clearing equipment, tractors and any other equipment or vehicle designed for commercial, agricultural or industrial use;
- (j) "Council" means the Town Council of Labrador City;
- (k) "Enforcement Authority" means Council or its authorized administrator;

- (l) "Ground Cover" means organic or inorganic material and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping;
- (m) "Habitable Room" means a room designed for living, sleeping, or eating and includes such rooms as a den, library, sewing room, or enclosed sun room but does not include a room solely used as a kitchen, bathroom, pantry or corridor;
- (n) "Land" means the land around and appurtenant to the whole or any part of a residential property;
- (o) "Lodging House" shall mean a dwelling where individual accommodations are provided to six (6) or fewer persons commonly referred to as a "boarding house" where meals may be included, and in which the kitchen and/or bathroom facilities are used in common by some or all of the occupants;
- (p) "Minister" means the minister appointed under the *Executive Council Act* to administer the Act;
- (q) "Non-Habitable Room" means a room other than a habitable room and includes a bathroom or shower room, kitchen (when used solely as such), a toilet room, laundry room, boiler room, furnace room, pantry, closet, corridor, foyer, stairway or lobby;
- (r) "Order" means a notice of violation and order to clean, demolish, stop work or repair a building or residential property;
- (s) "Owner" means the legal entity having title to the property;
- (t) "Passenger vehicle" means all passenger motor vehicles with not more than 2 axles requiring a valid Newfoundland and Labrador Class 5, 5I, 5II, 6, 6I or 6II Driver's Licence to operate and not defined as a "commercial vehicle" nor a "recreational vehicle";
- (u) "Permitted enclosure" means an enclosure approved by the Town of Labrador City which provides storage space and protection from weather such as, but not limited to, a garage or carport;
- (v) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;

- (w) "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;
- (x) "Recreational vehicle" means a vehicle designed or adapted exclusively for pleasure or recreational purposes including, but not limited to, a motor home, boat, ATV, snowmobile and trailers for transport of such vehicles;
- (y) "Residential Property" means a dwelling and the yard around it, and all accessory buildings, out buildings, fences, barriers, retaining walls, or other erections therein and thereon, or vacant land within a residential zone;
- (z) "Town" shall mean the Town of Labrador City as defined by Order-in-Council dated the 27<sup>th</sup> day of June, 1961, and any amendments thereto, according to the Municipalities Act;
- (aa) "Vacant" when applied to dwellings shall include dwellings which are unoccupied and which are no longer used nor intended to be used for the accustomed and ordinary purposes of a dwelling but shall not include dwellings wherein occupants are temporarily absent;
- (ab) "Yard" means the land, other than publicly owned land, around and appurtenant to the whole or any part of a building, and used or capable of being used in connection with the building, whether or not the land is owned by the owner of the building situated thereon, and includes lawns, courts and driveways;
- (ac) 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 residential property contained within the municipal 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, dwelling, dwelling unit, or rooms in violation of any provision of these Regulations or any other by-law or regulation of the Town.

(2) The owner of any residential property shall put and keep in repair and maintain the same in accordance with these Regulations, or demolish the whole or the part thereof that is not in accordance with these Regulations.

(3) The owner and the occupant of a dwelling shall be jointly and severally liable to:

- a) Limit the number of occupants thereof to the number permitted by these Regulations;
- b) Maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition and in good working order;
- c) Keep all exits therefrom clean and unobstructed; and
- d) Maintain the same in a clean and sanitary condition and free from fire and accident hazards.

(4) 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.

(5) No person shall use or permit the use of a non-habitable room in a dwelling as a habitable room.

(6) All new commercial residential 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.

- (7) Notwithstanding subsections (6) and (8), 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.
- (8) The owner of any vacant dwelling shall protect every such building against risk of accident or other danger by effectively preventing the entry thereto by all unauthorized persons.

## **Standards**

### **8. Maintenance**

- (1) All properties within the municipal boundaries including land, buildings, structures, dwellings, 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(8), 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.

### **9. 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.

### **10. Structural Soundness**

- (1) Components of all buildings, structures, dwellings and property shall be free from deterioration, loose jointing, sagging, bulging and excessive deflection and shall comply with the latest edition and revision of the National Building Code.

- (2) Components of all buildings, structures, dwellings and property shall be maintained in good repair and in a structurally sound condition so as:
  - (a) To be capable of safely sustaining its own weight and any load to which, normally, it might be subjected;
  - (b) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and
  - (c) To prevent the entry of moisture, insects, rodents or animals that would contribute to damage, decay or deterioration.

## **11. 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 not be discharged directly or indirectly onto a sidewalk, walkway, driveway, stairway or an adjoining property nor in such a manner to cause soil erosion.

## **12. Egress and Exits**

- (1) Every dwelling and every dwelling unit within a dwelling shall have a safe, continuous, and unobstructed passage or means of egress from the interior of the dwelling and dwelling unit to the exterior of the dwelling at street or grade level.
- (2) The means of egress required in Section 12(1) shall not pass through a room in another dwelling unit or through an area not under the immediate control of the occupants of the unit which that means of egress serves.
- (3) A single exit is permitted from the ground floor of a dwelling unit provided the exit is to the exterior at or near ground level;
- (4) Dwelling units which do not meet the requirements of Section 12(3) shall have 2 exits.
- (5) Buildings other than dwelling units shall comply with the latest revision of the National Building Code with respect to exit provisions.

**13. Fire Prevention**

- (1) All buildings and dwellings shall meet the requirements of those local, provincial and national fire regulations that may be applicable.
- (2) A building or dwelling shall not be permitted to be occupied if it is a potential fire hazard due to its location, construction, contents or another reason and all those structures or dwellings shall be made to conform to the appropriate codes and standards as adopted by the Enforcement Authority before occupancy is permitted.
- (3) An occupied structure that is considered a fire hazard may be ordered vacated by the Enforcement Authority until the applicable deficiencies have been corrected by the owner.
- (4) Smoke alarms shall be installed in all buildings in accordance with the "Town of Labrador City Smoke Detector Regulations, 2012."

**14. Civic Number**

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

**15. 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 measures ordered under subsection (1) shall be at the owner's expense.

**16. Dampness**

- (1) The basement, attic space, floors, ceilings, crawl space and cellar of every building and dwelling unit subject to high moisture levels shall be drained and shall be adequately ventilated to the outside air so as to prevent rot and the development of mildew or other health hazard.
- (2) Every floor, every ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be free from dampness.
- (3) 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.

**17. Exterior Walls**

- (1) Exterior walls and their components shall be maintained in good repair, weather tight and free from loose or unsecured objects and materials such as, but not limited to, flaking or peeling paint and loose or bulging siding.
- (2) The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure.
- (3) Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the building or structure.
- (4) Every opening in an exterior wall that is required for ventilation or illumination and which is not protected by a window or door and could permit the entry of animals or insects shall be:
  - (a) screened with wire mesh, metal grill, or other durable material, or
  - (b) otherwise protected so as to effectively prevent the entry of animals or insects.

**18. Doors and Windows**

- (1) All windows, doors and hatchways in a building or accessory building shall be maintained in good repair, weather tight and so as to prevent the entry of insects and animals.
- (2) Existing doors and frames shall be in sound condition, well fitted and operate satisfactorily.
- (3) At least one entrance door in every dwelling or dwelling unit shall be capable of being locked from both inside and outside.
- (4) All exterior doors and windows shall be weather-stripped and have an appropriate combination of storm and screen door suitable for all year use.
- (5) Where storm windows are installed, such windows shall be kept in good repair and properly glazed.
- (6) All shutters on a building shall be maintained in good repair.

- (7) Where screens are installed on a building, such screens shall be maintained in good repair so as to effectively prevent the entry of insects.

**19. Porches, Balconies and Stairs**

All porches, balconies, landings, stairs and handrails shall be well constructed and maintained; free from defects including but not limited to, holes, cracks, excessive wear and warping or other conditions which may constitute a safety hazard.

**20. Guard and Handrails**

Every open side of a stairway, stairwell, balcony or landing where the difference in elevation between adjacent levels exceeds 600mm is required to be protected by a suitably constructed and maintained guard and handrail system.

**21. 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 shingles, fascia board, soffit, cornice and flashing, shall be maintained in a weather tight condition so as to prevent leakage of water into the building or structure.
- (3) The underlayment of a roof must be protected by shingles or approved equivalent.
- (4) Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced in a timely manner as required.
- (5) Every eavestrough, roof gutter and downpipe shall be kept:
- (a) in good repair;
  - (b) in good working order;
  - (c) water tight and free from leaks, and
  - (d) free from health and accident hazards.
- (6) Every roof shall be kept free from:
- (a) loose or unsecured objects and materials;
  - (b) dangerous accumulations of snow or ice, and
  - (c) all other accident hazards.

**22. Floors**

- (1) All floors shall be constructed and maintained so as to adequately accept the applied loads without undue deflection and damage.
- (2) Defective or excessively worn, deteriorated, cracked, or torn finishes shall not be permitted by the Enforcement Authority.
- (3) All floors in a building shall be finished with a suitable material.
- (4) Floors in bathrooms, shower rooms, toilet rooms, kitchens, laundry rooms and entrance hall, foyers or vestibules shall be maintained reasonable impervious to water and in such condition as to permit such floor to be easily kept in a clean and sanitary condition.

**23. 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 or hazard.
- (2) Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire resistant quality.
- (3) The surface of every wall and ceiling in a dwelling unit shall be maintained in a clean condition.
- (4) Every ceiling, both sides of an interior wall and the interior side of an exterior wall in a dwelling unit shall be finished with suitable materials.

**24. Thermal Insulation**

Thermal insulation shall be required when heat loss or heat gain or air infiltration is sustained to the extent that excessive room temperature variations are caused, thereby preventing the heating system from maintaining normal room temperature under normal operating input.

**25. Heating Systems, Fuel Burning Equipment, Fireplaces, Chimneys and Related Accessories**

- (1) Heating equipment in every 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.

- (2) Fuel storage equipment, supports and piping shall meet the requirements of the Enforcement Authority.
- (3) Every fireplace used, capable of being used or intended to be used in a dwelling for burning fuel in an open fire and all other fuel burning equipment in a dwelling shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be effectively and safely vented to the outside air.
- (4) In every dwelling, fuel burning equipment, heating equipment, and every vent pipe, smoke pipe, chimney, flue or duct connected to such equipment, shall be constructed, placed, protected and maintained in good repair so as to prevent the heating of adjacent combustible materials and structural members to unsafe temperatures and the leakage of backing up of smoke or noxious gases into the building.
- (5) Heating in accessory buildings shall be limited to electric heat.
- (6) The use of all heating systems, fuel burning equipment, fireplaces, chimneys and related accessories shall be in accordance with the National Building and Fire Codes.

## **26. *Plumbing***

- (1) All plumbing, drain pipes, water pipes, toilets, sinks and other plumbing fixtures in a dwelling or accessory building shall be maintained in good order and repair in accordance with the requirements of the Enforcement Authority.
- (2) Where necessary due to the nature of the construction of the unit, all water pipes subject to the possibility of freezing shall be insulated, heated or otherwise protected.
- (3) Where heat tracing is used to protect pipes from freezing, the space or crawl space shall be equipped with smoke detection.
- (4) All plumbing fixtures shall have suitable traps installed and all plumbing systems shall be properly vented to the outdoors.
- (5) Every dwelling unit shall have provisions for a constant supply of both hot and cold water.
- (6) Hot water tanks shall be insulated and equipped with automatic temperature control.



- (7) All plumbing fixtures shall operate properly and shall be free from leaks.
- (8) Water and sewer service to a residential accessory building shall be in accordance municipal regulation entitled "Town of Labrador City Water and Sewer Service to a Residential Accessory Building, 2012" and fixtures shall be limited to a toilet and a sink equipped with an oil/water separator approved by the Enforcement Authority and installed in strict accordance with the manufacturer's instructions. Installation of a shower or tub within a residential accessory building is prohibited.

## **27. Electrical**

- (1) Every dwelling shall be connected to an electrical supply system, shall be wired for electricity and shall have an adequate supply of electrical power at all times in all parts of every occupied dwelling.
- (2) The electrical service, distribution equipment, wiring, equipment and appliances used in a dwelling unit or an accessory building shall be installed and maintained in accordance with the requirements of the hydro utility and the National Building Code.
- (3) Exposed, loose wiring, broken or damaged switches or outlet covers or damaged fixtures shall not be permitted by the Enforcement Authority.
- (4) An exterior lighting outlet with fixture controlled by a wall switch located within the dwelling shall be provided at every entrance.
- (5) Every stairway shall be lighted.

## **28. Washroom Facilities**

- (1) Every dwelling unit shall be provided with at least one washroom. Washroom facilities in a residential accessory building shall be in accordance with provisions and limitations described under Section 26(8).
- (2) All washrooms, shall be:
  - (a) Located within and shall be accessible from within the dwelling;
  - (b) Fully enclosed and have a lockable door to provide privacy;
  - (c) Be in good working order;
  - (d) Connected to a piped water supply; and
  - (e) Have an approved means of sewage disposal.

- (3) Every washroom 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 ten (10) percent of the floor area of the room; or
  - (b) A mechanical system of ventilation satisfactory to the Enforcement Authority.

## **29. Kitchen Facilities and General Storage**

- (1) Every dwelling unit shall contain a kitchen area equipped with a sink, serviced with hot and cold running water, storage facilities and a counter top work area made of material impervious to water.
- (2) Each kitchen or working area shall be provided with at least one operable window or skylight opening to the external air and having an area of not less than ten (10) percent of the net floor area of the room, or with a mechanical system of ventilation satisfactory to the enforcement authority.
- (3) Every dwelling unit shall have adequate space provided for laundry facilities, clothing, linen storage and general storage.

## **30. Lighting and Ventilation of Habitable Rooms**

- (1) Every habitable room in a dwelling unit shall contain one or more operable windows or skylights that have a total light transmitting area of not less than five (5) percent of the floor area of the room.
- (2) All skylights and windows shall be:
  - (a) glazed;
  - (b) provided with suitable hardware;
  - (c) maintained in good repair, and
  - (d) easily opened and closed at all times
- (3) Adequate lighting shall be provided in all areas of the building.
- (4) Every habitable room and every bathroom, in a dwelling or accessory building shall be provided with an adequate natural means of ventilation unless the same is adequately ventilated by means of a mechanical or other ventilating system.
- (5) Where any system of mechanical or other ventilation is provided in any room in a dwelling or accessory building, it shall be maintained in good repair and working order and connected by a duct leading to the outside of the building.

- (6) Where range hoods are provided, the vents must be of suitable non-combustible construction.
- (7) Where a laundry room is used by the occupants of four or more dwelling units, such room shall be provided with a system of mechanical ventilation.

### **31. *Basement Habitable Rooms***

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

- (a) The finished floor of that room is not more than an average depth of 1,143 millimetres below the finished grade of the property;
- (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.

### **32. *Sleeping Rooms***

- (1) A room shall not be used for sleeping purposes unless it has a floor area of at least 6 square metres exclusive of closet space and a ceiling of at least 1.5 metres in height.
- (2) Where a room in a dwelling is used for sleeping purposes by two or more persons simultaneously, the total number of persons using the room for sleeping purposes shall not exceed the floor area of their room in square metres divided by 4.6.
- (3) Every room used for sleeping purposes and every dwelling unit shall have as its entrance, a door that closes securely and is fitted with proper hardware in good repair.

### **33. *Cooking Prohibited in Sleeping Rooms***

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

### **34. *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 Enforcement Authority.

**35. 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.

**36. Enclosed Space Access**

- (1) An access opening of at least 600 millimetres by 750 millimetres shall be provided 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.

**37. Landscaping**

- (1) All parts of a residential property shall be kept clean and free from:
  - (a) Growth of weeds, undergrowth and grass that are detrimental to the health, safety or welfare of the occupants or the public or that by reason of not being cut regularly are unsightly and excessive when compared with neighbouring properties;
  - (b) Objects and conditions, including holes and excavation that are or might create health, fire or accident hazards, and
  - (c) Graffiti
- (2) Where grass forms part of the ground cover, it shall be maintained in a living condition and at a height of not more than twenty (20) centimetres.
- (3) The front yard of a residential property shall be maintained as follows:
  - (a) Graded so as to prevent recurrent ponding of water and direct the surface water away from the building;
  - (b) Landscaped, so as to prevent unstable soil conditions or erosion, with any combination of the following:
    - (i) Trees, shrubs, grass or flowers;
    - (ii) Decorative stonework, walkways, driveways or screening; and
    - (iii) Any other horticultural or landscape-architectural elements.

**38. Walkways and Driveways**

- (1) Every dwelling with street frontage shall have a surfaced walk connecting the entrance thereto with a public sidewalk or street or with a surfaced driveway that connects with a street.
- (2) Steps, walks, driveways, parking spaces and similar areas of a yard shall be adequately lit and maintained to afford safe passage, parking and storage under normal use and weather conditions.
- (3) All areas used for parking and storage of a vehicle shall be surfaced with a material to provide adequate drainage and be approved by the Enforcement Authority.
- (4) Where in the opinion of the Enforcement Authority, a safety hazard, or nuisance exists, every walkway, driveway and parking space connecting to a public sidewalk or street shall be paved with concrete, asphalt or equivalent material approved by the Enforcement Authority.
- (5) A safety hazard referenced in Section 38(4) shall include, but not be limited to, gravel or stone tracking onto the sidewalk or street.

**39. Fences**

- (1) Fences shall be kept in good repair and free from hazard.
- (2) Fences shall be constructed and maintained in accordance with the "The Town of Labrador City Fence Regulations, 2012".

**40. 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 40(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.

#### **41. On Site Storage**

- (1) The storage of materials or equipment on the site of a dwelling unit shall be at the rear or side yard.
- (2) All items shall be neatly arranged and shall neither constitute a hazard nor cause inconvenience or imposition to adjoining properties.
- (3) Outside storage of building materials shall be limited to projects approved under a valid permit issued by the Enforcement Authority. For projects not requiring a permit, storage shall be limited to one year, unless otherwise approved by the Enforcement Authority.
- (4) Storage space on corner lots shall be screened.

#### **42. Storage of Vehicles**

- (1) Parking or storage of a passenger vehicle(s) in the front yard or side yard shall be prohibited except on a driveway.
- (2) All passenger vehicles must be licensed, operational and in road-worthy condition.
- (3) No person shall repair, dismantle or scrap a vehicle on a residential property.
- (4) Repair under Section 42(3) shall not apply to repairs of a minor nature such as repairing flat tires, boosting batteries, changing filters or replacing spark plugs, to a vehicle that is owned by an occupant of the residential property on which the repairs are being effected and said repairs shall be carried out within thirty (30) days.
- (5) The number of passenger vehicles in open storage on a residential property, excluding apartment buildings, is limited to four (4) unless otherwise approved by Council. All additional passenger vehicles shall be stored in a permitted enclosure.

- (6) Only one piece of construction equipment or a commercial vehicle with a maximum gross mass, as defined in the Town of Labrador City Traffic Regulations, of less than 5,000 kilograms may be stored on a residential property. When not in use, the construction equipment or commercial vehicle shall be stored in a permitted enclosure, unless otherwise approved by Council.
- (7) A vehicle identified as commercial strictly due to promotional advertising shall be permitted in open storage provided the number of vehicles, including passenger vehicles, does not exceed the maximum number prescribed in Section 42 (5).
- (8) The number of recreational vehicles in open storage on a residential property is limited to four (4) unless otherwise approved by Council. All additional recreational vehicles shall be stored in a permitted enclosure.
- (9) In the off-season, recreational vehicles not stored in a permitted enclosure shall be stored to the rear or side yard of the property in a manner that is neither unsightly nor excessive when compared to neighbouring properties.
- (10) Notwithstanding Section 42(9), in the event a property has no side yard and limited rear yard depth, and the rear yard is not compromised by other factors including but not limited to, accessory buildings, property improvements and storage, the Enforcement Authority may, at its discretion, permit during the off-season, the storage of up to four (4) recreational vehicles on the front yard.

#### **43. Debris Prohibited**

All residential property shall be free from rubbish, garbage and other debris including a vehicle, trailer or object or any parts thereof which is in a wrecked, discarded or abandoned condition unless said debris is otherwise enclosed within a permitted enclosure.

#### **44. Rubbish Disposal**

- (1) Except for the purpose of composting, 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) A residential property owner is responsible for the disposal of, in the authorized waste management facility, all garbage, rubbish, waste and other debris too large to be contained in the waste receptacle prescribed in the "Town of Labrador City Residential Waste Management Regulations, 2012."
- (3) Where garbage and refuse storage rooms and shutes are provided, they shall be maintained at all times in a clean and sanitary condition and shall be provided with adequate ventilation.
- (4) All bins and receptacles used or intended to be used for the purpose of storing garbage during periods between collection which are not contained with a building, shall:
  - (a) be liquid tight;
  - (b) be provided with a tight fitting cover and
  - (c) be located to the rear of the building line
- (5) All exterior bins, receptacles or dumpsters shall be surrounded by an enclosure or vegetation that effectively screens such bin, receptacle or dumpster from view.
- (6) The design, construction and location of the enclosure or vegetation referred to in Section 44(5) shall be in accordance with the Town of Labrador City Development Regulations.

#### **45. *Composting and Gardening***

- (1) All residential composting and gardening 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.
- (2) Composting containers and gardens shall be located in the rear and/or side yard no closer than one metre to a lot line and screened from view.
- (3) All composting shall 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.



## **Powers of Enforcement Authority and Compliance**

### **46. 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 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.
- (3) The owner or tenant shall carry out the directions of Council referred to in Section 46(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.

### **47. 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.

### **48. 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 46(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 48(1), except in the case of gross negligence.

#### **49. 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.

#### **50. 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**

### **51. *Repeal***

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