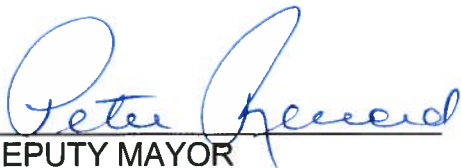




**WATER AND SEWER SERVICE
TO A RESIDENTIAL ACCESSORY BUILDING, 2012**

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 forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.

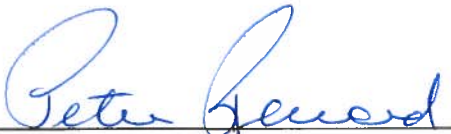

DEPUTY MAYOR


TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended, the Town of Labrador City enacts the following Regulations in relation to the connection of municipal services to a residential accessory building as adopted by Council 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 forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

WATER AND SEWER SERVICE TO A RESIDENTIAL ACCESSORY BUILDING, 2012

Title

1. Title

These Regulations may be cited as the "Town of Labrador City Water and Sewer Service to a Residential Accessory Building, 2012":

Definitions and Application

2. Definitions

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

- (a) "Accessory Building" means an attached or detached subordinate building located on the same lot as the main dwelling, having a use which is customarily incidental or complimentary to the main use of the residential dwelling to which it is accessory;
- (b) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;

- (c) "Council" means the Town Council of Labrador City;
- (d) "Enforcement Authority" means Council or its authorized administrator;
- (e) "Municipality" 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;
- (f) "Owner" means the legal entity having title to a residential property that is connected to the system;
- (g) "Police Officer" means a member of the Royal Newfoundland Constabulary or a Municipal Enforcement Officer of the Town of Labrador City;
- (h) "Schedule "A" – Municipal Fees" shall mean the schedule of fees adopted by the Town of Labrador City from time to time;
- (i) "Service" means water supply and/or sewerage disposal service supplied by the Municipality;
- (j) "Service Lateral" means the connection to main line municipal infrastructure;
- (k) "System" means water supply and/or sewerage disposal system of the Town of Labrador City;

3. Application

- (a) These Regulations shall apply to:
 - i. All residential accessory buildings within the municipal boundaries of the Town of Labrador City;
 - ii. The connection of water and sewer services to all residential accessory buildings whether the accessory building(s) is attached to the main dwelling or is a separate structure contained on the same lot as the main dwelling;
- (b) 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.

- (c) Pursuant to Section 414 of the Act, the following Code and Documents are adopted:
- (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) Provincial Fire Protection Services Act, and
 - (v) The National Housing Code of Canada
- (d) In accordance with conditions outlined in the Town of Labrador City Development Regulations, Schedule C, Residential 2 Land Use Zone, development of an adjacent vacant lot(s) existing prior to 2007 and subject to the discretionary approval of Council, shall utilize existing service lateral(s) wherever possible in servicing an accessory building(s).
- (e) Pursuant to Section 131 of the Act, all serviced accessory building(s), whether attached or detached from the primary dwelling, shall be subject to a separate residential water and sewer tax.

General Duties and Obligations

4. *Permit Process*

Without limiting the generality of the foregoing, extension of municipal services shall not be carried out on public or private property, unless carried out in accordance with a Development Permit issued by the Municipality, and requirements as prescribed by the Public Works Department.

5. Conflict

In the event of 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.

6. Requirements

- (a) 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;
- (b) A Permit to Develop issued by the Municipality is required prior to commencement of work and all work shall be carried out in accordance with the conditions of the permit and requirements as prescribed by the Public Works Department;
- (c) The Owner shall pay all permit and service fees in accordance with Schedule A – Municipal Fees as approved by Council;
- (d) No person except an employee of Council or other representative engaged for that purpose, shall connect a service lateral to municipal infrastructure and the Owner shall pay a fee to Council in accordance with Schedule “A” – Municipal Fees as approved by Council should it be necessary to have this work carried out;
- (e) All work carried out on private property or within a municipal right of way or municipal easement, shall be carried out in accordance with municipal standards and shall be inspected by a representative of the Public Works Department prior to backfilling. Compliance with permit conditions or any other requirements of the Public Works Department shall be verified in the field by a representative of the Public Works Department;
- (f) The property Owner shall be responsible for the reinstatement of all disturbed areas to a condition satisfactory to Council;

- (g) Should any contractor or individual in the process of repairing or installing a service lateral for any reason whatsoever, cut, break or interfere with a hydrant, water main, water pipe, curb stop, valve box, sewer line or any part of the system with or without the permission of Council, such party shall be liable for the cost of repairs to the system unless some prior written contract has been made in reference to the particular work.
- (h) Bonded jumpers shall be installed on all water line pipe joins for electrical continuity.
- (i) Installation of a toilet within an accessory building is permitted;
- (j) Installation of a sink within an accessory building is permitted provided the outlet line from the sink leading to the service lateral has an approved oil/water separator installed in strict accordance with manufacturer's instructions. The type proposed must be approved by the Town Engineer or his/her designate prior to issuing a permit;
- (k) Installation of a shower or tub within an accessory building is prohibited;
- (l) Installation of a floor drain within an accessory building is prohibited;
- (m) No person shall dispose of chemicals or other such material not normally used by a household into a service lateral for sewerage disposal.
- (n) **Connection to a Service Lateral** from an existing building shall be permitted subject to paragraphs (a) – (m) and the following conditions:
 - i) Design and materials shall be in accordance with Appendix A – "Typical Accessory Building Service Connection Detail" that may be amended by the Municipality from time to time, unless otherwise approved by the Municipality;
 - ii) The Municipality bears no responsibility for any maintenance repair of infrastructure installed on private property;
 - iii) The Owner shall be responsible to obtain from the Municipality and all utility companies, information as to the exact location of all underground infrastructure and the Owner shall notify all companies prior to commencement of work;

- iv) The existing curb stop shall be closed by Municipal personnel prior to commencement of work and the Owner shall be subject to the payments of fees as established by the Municipality from time to time, for water turn-on and turn-off;
- v) The Owner shall be subject to any provisions as established by the Public Works Department from time to time.
- (o) **Connection to Municipal Main Line Infrastructure** may be permitted at the discretion of Council and shall be carried out in accordance with paragraphs (a) – (m) and the following conditions:
 - i) All work carried out within any Municipal right-of-way or Municipal easement, including but not limited to connection to main line infrastructure, shall be carried out by the Municipality or a contractor approved by the Municipality and the Owner shall be invoiced in accordance with the "Town of Labrador City Water and Sewer Recoverable Work Rates" as established by the Municipality from time to time;
 - ii) Any portion of work carried out on private property shall be the sole responsibility of the Owner and shall be subject to all conditions outlined in paragraph (n).
 - iii) The Owner shall be subject to any provisions as established by the Public Works Department from time to time.

Powers of Enforcement Authority and Compliance

7. *Right of Entry*

Pursuant to Section 158 of the Act and provision of reasonable notice, 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 as required under these Regulations.

8. *Powers of Enforcement Authority*

- (a) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority.

- (b) 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 to:
 - (i) Undertake work to make the property conform to the standard;
 - (ii) Stop work;
 - (iii) Demolish all or a portion of the work; or
 - (iv) Remediate the work area to provide a satisfactory condition of appearance and cleanliness.
- (c) The Owner shall carry out the directions of the Enforcement Authority referred to in paragraph (b) at the cost of the Owner and within the time specified.

9. Failure to Comply

- (a) Pursuant to Section 404(5) where a person to whom an order is directed does not comply with the order or part of an order made under Section 8(b) 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.
- (b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- (c) The Owner shall save harmless Council, its employees 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 (a), except in the case of gross negligence.

10. Offence and Penalty

- a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;
- b) 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:

- i. Shall be liable to penalties pursuant to Section 421.1 of the Act or,
 - ii. Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
- c) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection b) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;
- d) In addition to the penalty prescribed under subsection b) 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.

11. Severability

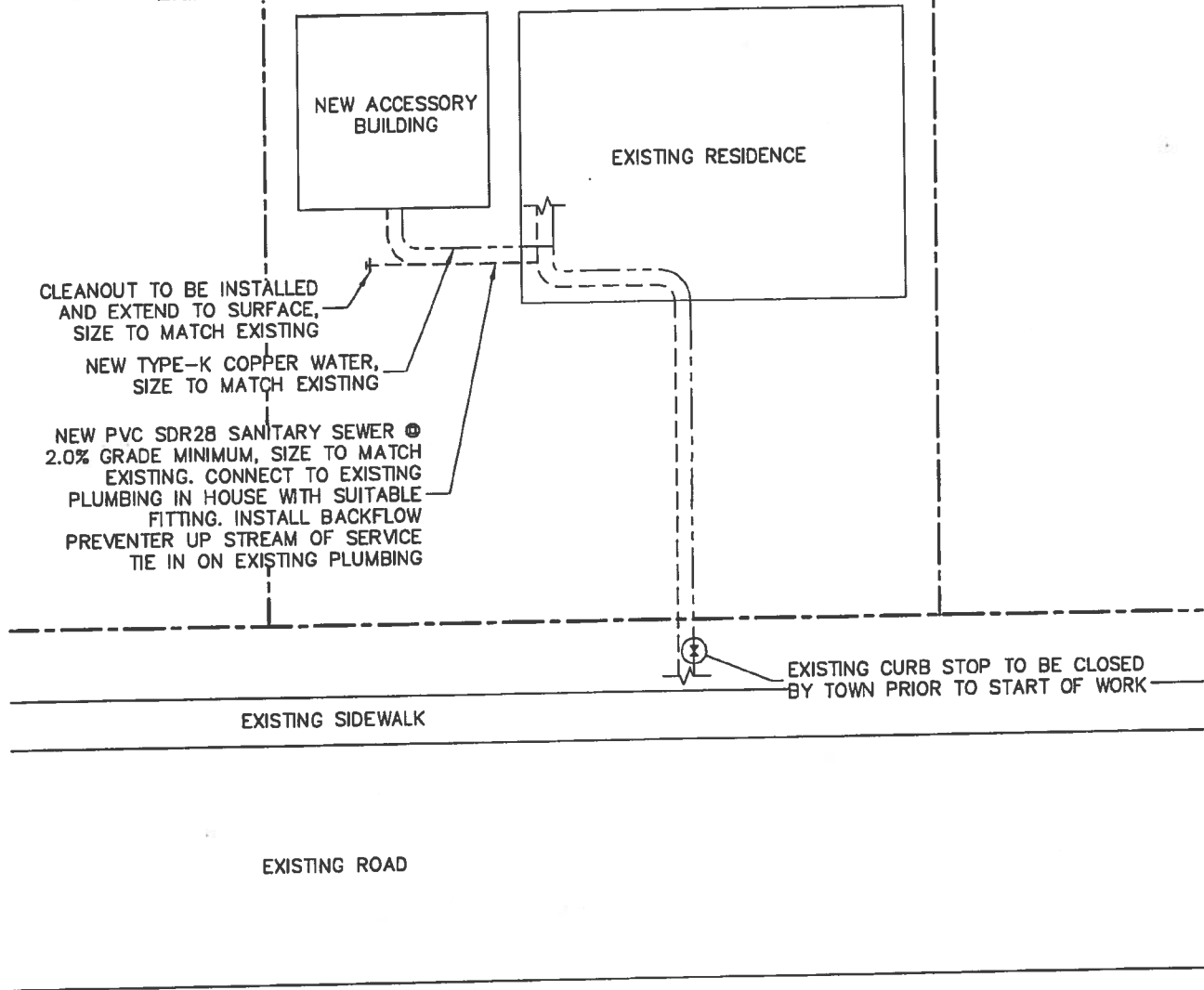
If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder these Regulations should be valid and shall remain in force.



APPENDIX A

NOTES:

1. ALL NEW INFRASTRUCTURE SHALL BE INSTALLED ON THE OWNERS PROPERTY AND THE TOWN BEARS NO RESPONSIBILITY FOR ANY MAINTENANCE OR REPAIR REQUIRED
2. OWNER IS REQUIRED TO REINSTATE ALL DISTURBED AREAS TO CONDITIONS AS THEY EXISTED PRIOR TO START OF WORK
3. THE OWNER SHALL COORDINATE WITH TOWN AND UTILITY COMPANIES TO LOCATE ALL UNDERGROUND INFRASTRUCTURE, NOTIFY ALL PARTIES PRIOR TO START OF WORK
4. SERVICE EXTENSION PERMITTED FOR SINK (EQUIPPED WITH AN OIL/WATER SEPARATOR APPROVED BY THE TOWN) AND A TOILET. SHOWER, TUB, AND FLOOR DRAINS IN AN ACCESSORY BUILDING ARE NOT PERMITTED TO BE CONNECTED TO THE NEW SANITARY SEWER.
5. NEATLY PENETRATE FOUNDATION WALL AND MAKE WATERTIGHT.
6. PERFORM ALL WORK IN ACCORDANCE WITH THE CANADIAN PLUMBING CODE, LATEST EDITION.
7. WHERE A SOIL COVER OF 3.05m CANNOT BE ACHIEVED INSTALL INSULATED SERVICE PIPE AND HEAT TRACING ON SERVICE LINES TO PREVENT FREEZE UPS. BLEEDING OF WATER IS NOT PERMITTED.

PROPERTY BOUNDARY



		NOVA CONSULTANTS INC. 37 HALLETT CRESCENT ST. JOHN'S, NL A1B 4C4 TEL: 709 753 2260 FAX: 709 753 1514 info@novaconsultants.nf.ca		TITLE TYPICAL ACCESSORY BUILDING SERVICE CONNECTION DETAIL		
		ST. JOHN'S	LABRADOR CITY	PROJECT. NO. N/A	SCALE NTS	DATE JUNE 2012