

STRUCTURAL OCCUPANCY AND MAINTENANCE REGULATIONS



REG-08

UNDER THE URBAN AND RURAL PLANNING ACT

Under and by virtue of the powers conferred by Section 71 of the Urban and Rural Planning Act, Chapter 387 of the Revised Statutes of Newfoundland, 1970, and of all other power enabling her on that behalf, the Honorable Minister of Municipal Affairs has made the following Regulations which were approved by His Honor the Lieutenant-Governor in Council on the **29th** day of **June 1984**.

Dated at St. John's this 4th day July A.D., 1984

Robert J. Jerkins
Deputy Clerk of the Executive Council

PART 1 – GENERAL

1.1 TITLE:

These Regulations may be cited as the Town of Bonavista Occupancy and Maintenance Regulations, 1984.

1.2 APPLICATION:

These Regulations shall apply throughout the Municipal Planning Area of the Town of

Bonavista as defined by the Minister in accordance with Section 12 of the Urban and Rural Planning Act.

1.3 INTERPRETATION:

In these Regulations, expressions used shall have the same respective meanings as in the Town of Bonavista Land Use and Zoning Regulations approved from time to time by the Minister in accordance with Section 37 of the Urban Planning Act.

1.4 ADMINISTRATIVE:

These Regulations shall be administered by the Council of the Town of Bonavista (hereinafter called the Council).

1.5 APPEAL:

Any individual, partnership, association, or corporation aggrieved by a decision of the Council made pursuant to these Regulations may appeal to the appropriate appeal board. Council will provide the aggrieved with a written statement of the exact procedure to be followed.

1.6 OCCUPANCY:

No person shall occupancy for human habitation or otherwise or being the owner thereof, shall permit to be occupied for human habitation or otherwise, any dwelling or structure which does not conform to the standards set out in these Regulations, all new dwellings and structures, all existing vacant dwellings and structure and any dwelling or structure which becomes unoccupied for any length of time for any reason will require an occupancy permit issued by Council before the proposed occupancy occurs.

Departures from existing properties for annual vacation, temporary duty elsewhere, business trips or the like will not be considered vacancies under these Regulations.

1.7 MAINTENANCE:

All properties in the planning area including land, buildings, structures, dwellings, fences, sheds, garages, parking lots driveways, landscaping and all appurtenances thereto shall be maintained in a state of good condition and repaired in accordance with the standards set out in these Regulations and as otherwise ordered by Council from time to time. This requirement applies to properties and structures in all areas including all designated zonings.

PART II – STANDARDS

2.1 STRUCTURAL SOUNDNESS:

Structural components of all buildings and dwellings shall be free from deterioration, loose jointing, sagging, building and excessive deflection of any kind and shall be capable of sustaining safely the weight of the structure or dwelling and any load to which it may be normally subjected.

2.2 PROPERTY DRAINAGE:

All land occupied for any purpose shall be provided with adequate surface water drainage over the whole area of the property to prevent ponding and to prevent run-off to adjacent properties, with suitable arrangements for the disposal of surface water without eroding or flooding.

2.3 FIRE PREVENTION:

All buildings and dwellings must meet the requirements of such local, provincial, and national fire regulations as may be applicable. No building or dwelling will be a potential fire hazard due to its location, construction, contents, or any other reason and all such structures or dwellings shall be made to conform to the appropriate code and standards as adopted by the council before occupation is permitted. Any occupied structure that is

considered a fire hazard may be ordered to vacate by the council until the deficiencies have been corrected by the owner.

2.4 PEST CONTROL:

Every structure and dwelling shall be kept free of rodents, vermin and insects always and appropriate extermination measures shall be taken at the owner's expense when ordered by Council.

2.5 BASEMENTS:

The basement or cellar of every building or dwelling shall be dry and ventilated. Crawl spaces will be clean and dry and where wood skirting is used, it will be free from deteriorated and neatly fitted to effectively seal out weather penetration.

2.6 DAMPNESS:

The floors, ceiling and walls of every building unit shall be kept free from dampness. Attic space moisture condensation and interior sweat, and mildew will not be permitted.

2.7 BASEMENT HABITABLE ROOMS:

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

- a. The finished floor of such a room is not more than an average depth of 1143 mm below the finished grade of the property;
- b. Such room is ventilated;
- c. All walls below grade are effectively damp-proof resulting in a dry interior condition;
- d. The interior of the basement wall is properly insulated and finished.

2.8 EXTERIOR WALLS:

Exterior walls and their components shall be adequate to support loads upon them and shall be maintained to prevent their deterioration from any cause. All exterior walls shall have an excessively worn surface and must effectively provide weather protection to the

surface underneath. Exterior cladding or covering must be reasonably durable and be maintained in an acceptable appearance by periodic painting, cleaning spot repairs, etc.

2.9 EXISTS:

A single exit is permitted from the ground floor of a dwelling unit providing such exit is to the exterior at or near ground level and provides a safe, continuous, and unobstructed means of egress. In all other situations, at least two exits are required. Buildings other than dwelling units will have exit provisions as required by the Building Code.

2.10 EXTERIOR DOORS:

Existing doors and frames shall be in sound condition, well-fitted and operated satisfactorily; At least one entrance door in every unit shall be capable of being locked from both inside and outside. All exterior doors shall be weather-stripped or have an appropriate combination of storm and screen doors suitable for all-year use.

2.11 PORCHES AND STAIRS:

All porches, balconies, landings, stairs and ancillary balustrades or handrails shall be well-constructed and free from defects which constitute a safety hazard.

2.12 ROOFS:

All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering. A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the dwelling.

2.13 FIREPLACES, FUEL-BURNING EQUIPMENT, CHIMNEYS, ETC.:

All fireplaces, fuel-burning equipment, chimneys, etc. shall be maintained in safe, efficient condition.

2.14 FLOORS:

All floors shall be constructed so as to adequately accept the applied loads without undue deflections and damage. Existing structures and dwellings with defects in the

flooring systems will require correction before new occupancy will be approved. Floor finishes will be smooth and clean and floor coverings in bathrooms, kitchens and dining rooms shall be in good repair and of such a nature to permit frequent cleaning. Excessively worn, deteriorated, cracked or torn finishes will not be permitted in any location.

2.15 INTERIOR WALLS AND CEILINGS:

Every wall and ceiling finish shall be maintained in a clean condition, free from holes, loose or deteriorated coverings or other defects which may increase the spread of fire, such interior finish shall be washed, cleaned and/or painted to provide a sanitary finish when required by Council. Where fire-resistant walls exist between separate dwelling units, they shall be maintained in a condition which retains their fire-resistant quality.

2.16 HEATING AND WEATHERPROOFING:

All building and dwelling units shall be weatherproof and insulated so as to be capable of being adequately heated with a reasonable consumption of fuel. Heating equipment in every building and dwelling shall be in good working order and in good repair, free from fuel leaks and other defects and in the opinion of the Council, non-hazardous to other occupants. Fuel storage equipment, supports, piping, etc. shall meet the requirements of the applicable regulations.

2.17 PLUMBING:

All plumbing, drain, pipes, water pipes, water closets, sinks and other plumbing fixtures in every building and dwelling unit shall be maintained in good order and repair and in accordance with the requirements of the Council. 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. All plumbing fixtures will have suitable traps installed and all plumbing systems will be properly vented to the outdoors.

2.18 ELECTRICAL:

The electrical service, distribution equipment, wiring, equipment, and appliances used in

a building or dwelling unit shall be installed and maintained in accordance with the requirements of the Newfoundland and Labrador Hydro Commission. Exposed, loose wiring, broken or damaged switches or outlet covers, damaged fixtures, etc. shall not be permitted.

2.19 KITCHEN AND WASHROOM FACILITIES:

Every dwelling unit shall be provided with at least one kitchen sink, washbasin, water closet and bathtub or shower, connected to a piped water supply and an acceptable means of sewage disposal.

Every dwelling unit shall have provisions for a constant supply of both hot and cold water. Hot water tanks must be insulated and equipped with automatic temperature control. All fixtures will operate properly, free from leaks. Chipped, cracked and excessively worn porcelain, china or other finishes or fixtures will not be permitted.

2.20 KITCHEN FACILITIES:

Every dwelling unit shall contain a kitchen area equipped with a sink, serves with hot and cold running water, storage facilities and a countertop work area. Space shall be provided for a stove and refrigerator. Countertop surfaces shall be in good condition, free from excessive wear, cracks and other defects. 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 0.28 m² or with a mechanical system of ventilation satisfactory to the Council.

2.21 WASHROOMS:

All washrooms, including toilets and bathrooms, shall be located within and accessible from within the building and shall be fully enclosed and have a lockable door to provide privacy. Where practicable, a wash basin shall be located in the same room as the water closet. Every washroom, toilet and bathroom shall be provided with at least one operable window or skylight opening to the external air and having an area of not less

than 10% of the floor area of the room or with a mechanical system of ventilation, satisfactory to Council.

2.22 LIGHTING AND VENTILATION OF HABITABLE ROOMS:

Every habitable room in a dwelling shall contain a window, operable and opening directly to the outside air and the total area of windows in every habitable room shall not be less than 10% of the floor area of such room. All window sashes shall be glazed and provided with suitable hardware.

2.23 SLEEPING ROOMS:

No rooms shall be used for sleeping purposes unless there is at least twelve (12) cubic meters of air space and five (5) square meters of floor space for each adult and at least six (6) cubic meters of air space and three (3) square feet of floor space for each child under the age of twelve years occupying the such room and no room shall be used for sleeping purposes having floor area less than six (6) square meters. Existing rooms that are within 10% of these standards may normally be considered suitable for the intended purpose.

2.24 COOKING OF FOOD PROHIBITED IN SLEEPING ROOMS:

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

2.25 OVERCROWDING:

The occupancy of any dwelling unit having one habitable room shall not exceed two persons. The occupancy of any dwelling unit having more than one habitable room shall not exceed an average of three persons for every two habitable rooms. For the purpose of the Regulation, two children under twelve years of age shall be counted as one person and kitchens, dining rooms, porches, corridors, and storage rooms shall not be considered as habitable as overcrowded and occupancy will not be permitted.

2.26 STORAGE SPACE:

Every dwelling unit shall have general storage and closet space required by applicable housing regulations or as determined by Council.

2.27 ENCLOSED SPACE ACCESS:

An access opening of at least six hundred (600) mm by seven hundred and fifty (750) mm shall be provided when required to attics, crawl spaces and other enclosed spaces where mechanical equipment is enclosed, the access opening shall be sufficiently large to permit the removal and replacement of the equipment. Enclosed attic, roof and crawl spaces shall be vented to the exterior.

2.28 ENTRANCE WALKS, DRIVEWAYS, STEPS, ETC.:

There shall be a surface walk leading from every building or dwelling unit to a street or to a surfaced driveway that connects to the street. Steps, walks, driveway, parking spaces and similar areas of a yard shall be maintained to afford safe passage, under normal use and weather conditions.

2.29 With the exception of hedges, walls or ornamental fences not exceeding seven hundred and fifty (750) mm in height, no fence shall extend in front of the building line. Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards.

2.30 STORAGE ON SITE:

The storage of any materials or equipment on the site of a building or dwelling unit shall be at the rear of the lot. All items will be neatly arranged and will not be permitted to cause inconvenience or imposition to adjoining properties. Storage space on corner lots will be screened properties. Storage space on corner lots will be screened.

2.31 DEBRIS PROHIBITED:

The land shall be free from debris. Including any vehicle, trailer, or object, that is in a wrecked, discarded, or abandoned condition.

2.32 LANDSCAPING:

The land shall be protected by a suitable ground cover which prevents erosion of the soil.

The plants and vegetables shall be kept trimmed so as not to become unsightly to neighbouring property.

PART III – ENFORCEMENT

3.1 COUNCIL AUTHORITY:

The Council may direct the owner of a dwelling unit or building which does not conform to the standard.

- a. To undertake such work as to make the dwelling unit or building conform to the standard;
- b. To demolish all or any part of any building or dwelling, or structure or erection forming part of the building or dwelling;
- c. TO clean-up and paint-up as required to provide a satisfactory condition of appearance and cleanliness; within such time as the Council may specify and every such owner shall carry out directions of the Council.

3.2 FAILURE TO COMPLY:

In the event that an owner does not comply with the direction of the Council, the Council may order the necessary work to be done to make the dwelling or building conform to the standards and recover the cost from the owner or the Council may order the demolition, but if the owner does not comply with the order, Council may carry out the demolition and recover the cost of so doing as a civil debt from the owner.

3.3 CONFLICTION LEGISLATION:

Where a provision of this Regulation conflicts with a provision of another law or regulation in force in the tone, the provisions that established the higher standard to

protect the provisions that established the higher standard to protect the health, safety and welfare of the general; public shall prevail.

3.4 CONTRAVENTION AND CONVICTION:

Every person who contravenes any of the provisions of this Regulation shall, upon conviction thereof, be liable to the penalties imposed by Section 134 of the Urban and Rural Planning Act.

These Regulations shall come into effect the 13th day of July A.D., 1984.