

OCCUPANCY & MAINTENANCE REGULATIONS
TOWN OF PLACENTIA
COUNCIL MOTION # 08-023 (MINUTES OF FEBRUARY 19, 2008)

Pursuant to the authority conferred by section 414 of the Municipalities Act Chapter M-24, S.N. 1999 and Sections 34, 35 and 36 of the Urban and Rural Planning Act Chapter U-8, the Town of Placentia has made the following regulations:

1. Title

These regulations may be cited as the “*Occupancy and Maintenance Regulations*”.

2. Interpretations

In these regulations unless the context otherwise requires:

- (a) “*Act*” means the *Urban & Rural Planning Act*;
- (b) “*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;
- (c) “*Composting*” means the storage and controlled biochemical decomposition of vegetables, fruit or garden waste;
- (d) “*Enforcement authority*” means the authorized administrator or the municipal council having jurisdiction in the area designated by the minister; and
- (e) “*Minister*” means the minister appointed under the *Executive Council Act* to administer the Act.
- (f) In these Regulations, expressions used shall have the same respective meanings as in the Town of Placentia Land Use and Zoning Regulations.

3. Building Codes

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

- (a) The National Building Code of Canada (Latest Revision)
- (b) The Supplement to the National Building Code of Canada
- (c) The National Fire Code of Canada
- (d) The Fire Life Safety Code of Canada
- (e) The National Housing Code of Canada

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4. Occupancy

- (a) 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.
- (b) All new dwellings and structures, all existing vacant dwellings and structures and a dwelling or structure which becomes unoccupied and not maintained for a length of time, shall require an occupancy permit issued by the enforcement authority before the proposed occupancy occurs.
- (c) Notwithstanding subsections (1) and (2), 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.

5. Right of Entry

The Council or its duly authorized agents have the right to enter and inspect the contents and interior of any building or property to ensure compliance with fire and health regulations.

6. Maintenance

All construction in the planning area including land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping, backfilling and in-filling require a permit from the municipality. The foregoing 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.

7. Fire Prevention

- (a) All buildings and dwellings shall meet the requirements of those local provincial and national fire regulations that may be applicable.
- (b) 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.
- (c) 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.

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- (d) Smoke alarms conforming to the standards set out in the National Building Code shall be installed in every newly constructed dwelling unit and in accordance with the requirements of the National Building Code in all other buildings

8. Pest Control

- (a) 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.
- (b) Extermination measure ordered under subsection (a) shall be at the owner's expense.

9. Exterior Walls

- (a) Exterior walls and their components shall be adequate to support loads upon them and shall be maintained to prevent their deterioration from any cause.
- (b) Exterior cladding or covering must be reasonably durable and be maintained in accordance with the standards set out in these regulations and as otherwise determined by the enforcement authority.

10. Exits

- (a) A single exit is permitted from the ground floor of a dwelling unit provided:
 - (i) the exit is to the exterior at or near ground level; and
 - (ii) it provides a safe, continuous and unobstructed means of egress.
- (b) Dwelling units which do not meet the requirements of subsection (a) shall have 2 exits,
- (c) Buildings other than dwelling units shall comply with the building code with respect to exit provisions.

11. Porches and Stairs

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

12. Plumbing

- (a) All plumbing, drain pipes, water pipes, water closets, sinks and other plumbing fixtures in a building or dwelling shall be maintained in good order and repair in accordance with the requirements of the national building code.

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- (b) 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.
- (c) All plumbing fixtures shall have suitable traps installed and all plumbing systems shall be properly vented to the outdoors.
- (d) All below grade fixtures are to be protected with backwater devices.

13. Lighting and Ventilation of Habitable Rooms

- (a) Every habitable room in a dwelling unit shall contain one or more operable windows.
- (b) Windows required under subsection (1) shall open directly to the outside air and the total area of window or windows in every habitable room shall not be less than 10% of the floor area of that room.

14. Fences

- (a) A fence shall not extend in front of the building line.
- (b) Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards.
- (c) Hedges, ornamental fences and privacy fences for corner lots extending in front of the building line exceeding thirty (30) inches but not exceeding sixty (60) inches may be approved by the Town Engineer providing they do not totally obstruct the standard horizontal sight clearances and are not a hazard to traffic.

15. On Site Storage

- (a) The storage of materials or equipment on the site of a building or dwelling unit shall be at the rear of the lot.
- (b) All items shall be neatly arranged and shall not cause inconvenience or imposition to adjoining properties.
- (c) Storage space on corner lots shall be screened.
- (d) Outside storage of more than one unlicensed vehicle must be approved by the authority.

16. Debris Prohibited

Land shall be free from debris including a vehicle, trailer or object, which is in a wrecked, discarded or abandoned condition.

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17. Landscaping

- (a) Land shall be protected by suitable ground cover, which prevents erosion of the soil.
- (b) Plants and vegetation shall be kept trimmed so as not to be unsightly to neighbouring property.
- (c) seed or sod must be installed not later than two years after occupancy.

18. Rubbish Disposal

- (a) All garbage shall be:
 - (i) properly stored in regulation receptacles; and
 - (ii) made available for removal in accordance with the standards approved by the enforcement authority.
- (b) Subsection (a) does not apply to composting.
- (c) Should be placed at boundary or in garbage box on collection day.

19. Composting Container

All composting must 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.

20. Manner of Composting

All composting 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.

21. Container Location

Composting containers shall be located in the rear yard no closer than one metre to a lot line.

22. Snow Clearing

- (a) During snow clearing operations (Dec .1 - March 31) no person shall park an unattended vehicle on any street in the municipality between the hours of 12:00 midnight and 8:00 a.m. Vehicles in violation may be removed and impounded by the Council;
- (b) No person shall deposit or cause or permit to be deposited any snow and/or ice from driveways/sidewalks or any property under their ownership onto any street within the municipality;

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- (c) No damages to property will be accepted where the damages occurred as a result of the weight of snow accumulation and/or ice deposits on garbage boxes, fences, trees, shrubs, rock walls, etc.
- (d) Damages must be reported immediately upon occurrence.

23. Powers of Enforcement Authority

- (a) The enforcement authority may direct the owner of a dwelling unit, property or building, which does not conform to the standard:
 - (i) to undertake work to make the dwelling unit or building conform to the standard;
 - (ii) to demolish all or part of a building or dwelling or structure or erection forming a part of the building or dwelling; or
 - (iii) to clean and paint as required to provide a satisfactory condition of appearance and cleanliness.

Within the time that the enforcement authority may specify.

- (b) Every owner shall carry out the directions of the enforcement authority referred to in subsection (a).
- (c) These regulations may be enforced by the Municipal Officer, R.C.M.P., Peace Officer or any person appointed by Council.

24. Conflict

Where a provision of this regulation conflicts with a provision of another Act or regulation in force in the planning area concerned, the provisions that established the higher standard to protect the health, safety and welfare of the general public shall prevail.

25. Failure to Comply

- (a) If an owner does not comply with the directions of the enforcement authority, the enforcement authority may:
 - (i) order the necessary work to be done to make the dwelling property, or building conform to the standards and recover the cost from the owner; or
 - (ii) order the demolition of the building
- (b) The owner shall carry out the demolition referred to in paragraph (a)(i) but if the owner does not comply with the order, the enforcement authority may carry out the demolition through its officers, agents, employees or contractors and recover the cost of so doing as a civil debt from the owner.

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26. Penalty

A person who contravenes a provision of this regulation shall upon conviction, be liable to the penalties imposed by section 106 of the *Urban and Rural Planning Act*.

27. Appeal

- (a) A person or corporation aggrieved by a decision made under these regulations may appeal to the appropriate appeal board within 30 days of the date of the decision appealed.
- (b) The enforcement authority shall provide the aggrieved with a written statement of the exact procedures to be followed.

28. Repeal of Previous Regulations and Amendments

All previous Town of Placentia Occupancy and Maintenance Regulations and amendments are repealed.

Ed O'Keefe
Chief Administrative Officer