

Building and Occupancy Regulations, 2013

Town of Happy Valley-Goose Bay

Published by Authority

Pursuant to the authority conferred by the Municipalities Act, 1999, Section 414, Chapter M-24 S.N., the Town of Happy Valley – Goose Bay has made the following Regulations.

Jamie Snook
Mayor

1. TITLE

These Regulations may be cited as the “Town of Happy Valley –Goose Bay Building and Occupancy Regulations, 2013”

2. INTERPRETATION

- a. **“Applicant”** means the person who submits an application;
- b. **“Building”** means
 - i. a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
 - ii. mobile structure, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
 - iii. a part of and fixtures on buildings referred to in subparagraphs (i) and (ii), and,
 - iv. 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 subparagraphs (i) and (ii);
- c. **“Council”** means the Town Council of the Town of Happy Valley-Goose Bay;
- d. **“Municipalities Act”** means the Municipalities Act, 1999, of the Province of Newfoundland and Labrador, as amended from time to time;
- e. **“Permit”** means a Permit issued under Section 194 of the Municipalities Act, 1999, of the Province of Newfoundland and Labrador;
- f. **“Permit Holder”** means the holder of a valid Permit issued by the Town under the Building and Occupancy Regulations of the Town of Happy Valley-Goose Bay;

- g. **“Protected Road”** means a protected road in accordance with the Urban and Rural Planning Act, 2000 of the Province of Newfoundland and Labrador;
- h. **“Regulations”** means the Building and Occupancy Regulations, 2013 of the Town of Happy Valley-Goose Bay;
- i. **“Town”** means the Town of Happy Valley-Goose Bay;
- j. **“Urban and Rural Planning Act”** means to the Urban and Rural Act, 2000, of the Province of Newfoundland and Labrador as amended from time to time, and;
- k. **“Vacant”** means a dwelling or structure which becomes unoccupied and not maintained for 6 months or more in accordance with the Province of Newfoundland and Labrador Occupancy and Maintenance Regulations under the Urban and Rural Planning Act, 2000, and, the Municipalities’ Act.

3. APPLICATION

These Regulations shall apply within the municipal boundaries of the Town of Happy Valley-Goose Bay.

4. PERMITS

- a. No person shall carry out any Building unless a Building Permit has been issued by Council or its designate,
- b. A Building Permit is required for;
 - i. All new construction and;
 - ii. extensions, additions, repair, relocation, and demolition of existing Buildings; and,
 - iii. Construction, relocation and repair of a fence.
- c. No Building erected, constructed, changed, altered, extended or repaired shall be occupied in whole or in part until an occupancy Permit has been issued by Council or its designate,
- d. No change shall be made in the use or occupancy of any Building or any part thereof until the Council or its designate has issued a Permit for the proposed occupancy,
- e. An occupancy Permit is required prior to the occupancy of a Building or portion thereof that has;
 - i. Been erected;
 - ii. Been extended, repaired or relocated;
 - iii. Been Vacant; and,
 - iv. Changed the use for which an existing Building is or was last occupied,

- f. All development shall be carried out in accordance with these Regulations, conditions stated on the Permit and any other regulations or policies enacted by Council.
- g. Repair does not include the carrying out of works for the maintenance, improvement or other alteration of a Building, being works which affect only the interior of the Building or which do not materially affect the external appearance or use of the Building

5. BUILDING PERMIT APPLICATION

- a. The Applicant shall submit to the Town office a completed and signed application in a form determined by the Town,
- b. The following shall be submitted with the application;
 - i. Name of property owner;
 - ii. Name of builder;
 - iii. Proposed use;
 - iv. Plans showing dimensions and height of proposed construction (in duplicate);
 - v. Location and dimensions of the lot;
 - vi. A full description of interior Building layout if required;
 - vii. Where applicable; proof of an approved Fire, and Life Safety Plan Review from the Province of Newfoundland and Labrador provided through Service Newfoundland;
 - viii. Where applicable; a Permit issued by the Department of Transportation and Works, Province of Newfoundland and Labrador where development is within the Building control lines of a Protected Road; and,
 - ix. Additional information which Council or its designate considers necessary.

6. OCCUPANCY PERMIT APPLICATION

- a. The Applicant shall submit to the Town office a completed and signed application in a form determined by the Town,
- b. The following shall be required prior to the issuance of an occupancy Permit where no Building construction is proposed;
 - i. A full description of location, previous and proposed use, and occupancy,
- c. The following shall be required prior to the issuance of an occupancy Permit;

- i. A final electrical Certificate of Release if electrical work has been undertaken on the Building or during construction;
 - ii. Where a Fire, and Life Safety review was conducted by Provincial Authorities proof of Permits as required by the Province (through Service Newfoundland) including, where applicable;
 - 1. A Building Accessibility Inspection Order containing a declaration of “accessible” under the Newfoundland Building Accessibilities Act;
 - 2. A Fire and Life Safety Inspection under the authority of the Town Fire Chief;
 - iii. Proof of approved installation of any ditches, driveways, and culverts in accordance with an issued Permit;
 - iv. Posting of a civic address in a location clearly visible from the street; and,
 - v. Proof of completion of other conditions of the Building Permit issued for the property to the satisfaction of the Town,
- d. The following shall be required prior to the issuance of an occupancy Permit where the Building has been Vacant;
- i. A written assurance by a professional engineer or architect registered in the Province of Newfoundland and Labrador that the Building is currently in good condition and repair with regard to the requirements of the Provincial Occupancy and Maintenance Regulations under the Urban and Rural Planning Act; and,
- e. The Council or its designate may issue an occupancy Permit with conditions provided there is no immediate life safety, accident or health hazard present in the opinion of the Council or it’s designate.

7. FINANCIAL GUARENTEES

- a. Council or its designate may require a financial guarantee (in a form specified by the Town) adequate for the cost of completing Permit requirements be provided to the Town to ensure completion. Should the conditions of the Permit not be completed in the time frame specified, the Council or its designate may use all or part of the funds from the financial guarantee to remediate all or part of the deficiency. Any excess funds not necessary for the remediation of the deficiency shall be returned to the depositor of the financial guarantee.

8. APPROVAL

- a. No person shall carry out any work for which a Permit is required unless a Permit has been issued,
- b. An application, plans and supporting documents shall be reviewed and if found to be in conformity with these Regulations and all other laws, rules and regulations which may be applicable thereto, Council or its designate may issue a Permit for the work proposed or to occupy,
- c. The Permit may contain such conditions as may be necessary to fulfill the requirements of these Regulations and other laws, rules and regulations which may be applicable thereto. Such conditions shall be provided in writing, drawings or plans,
- d. All work shall be carried out in accordance with these Regulations, any condition attached to a Permit and any regulation of the Town of Happy Valley-Goose Bay,
- e. No person shall erase, alter or modify any drawings or specifications upon which a Permit has been granted unless the Council or its designate agrees to such changes in writing,
- f. A Building allowed by the Town to continue as nonconforming in accordance with the provisions of the Urban and Rural Planning Act and the Development Regulations of the Town of Happy Valley-Goose Bay must follow the requirements for nonconforming uses in Regulations and legislation applicable thereto, or shall be made to conform to the requirements of these Regulations,
- g. Any Building Permit shall expire unless Building construction is started within six months from the date of issue.

9. INSPECTIONS

- a. Right of Entry in accordance with provincial legislation and the Town's Development Regulations is authorized for the purposes of examination or obtaining information relative to the carrying out of regulated activities,
- b. The Council or its designate shall keep a record of any violations that comes to his/her knowledge,
- c. Council or its designate will not undertake a process of site inspections of the property for the purposes of a Permit under this regulation either during or after construction. No Permit shall be construed as a guarantee on behalf of the Council, Council's designate, or the Town of Happy Valley-Goose Bay of

oversight, site inspections, or assurance of Building construction, installation of services, or demolition.

10. DEMOLITION

- a. Work carried out under a Permit for the demolition of a Building or structure shall include;
 - i. Erection of fencing or barriers surrounding the Building to be demolished to restrict public access to the site;
 - ii. Building material and debris is to be contained within the property;
 - iii. Removal of all foundation and footings;
 - iv. Disposal of all materials in an approved location;
 - v. Backfilling of suitable material, grading to match existing grades and a suitable ground cover such as seed or sod; and,
 - vi. Other conditions required by Council.

11. SITE STANDARDS

- a. The Permit Holder shall keep the site in a clean condition and shall remove all rubbish and debris in a timely fashion;
- b. Immediately following the completion of any work under a Permit, of the revocation or expiry of a Permit, the Permit Holder shall remove all unused Building materials, all construction trailers or Buildings and all debris and rubbish, and shall restore the site to a clean condition; and,
- c. All excavated material shall be contained on the subject property and not placed or stored on any street or public property without written approval by the Town.

12. FEES

- a. All fees shall be paid prior to the issuance of a Permit,
- b. Payment of fees shall not be construed as an approval to start construction or occupy.

13. APPLICABLE CODES

- a. The Town of Happy Valley-Goose Bay adopts the following as being applicable to all Permits issued under these Regulations;

- i. The National Building Code of Canada and its supplements, as adopted pursuant to the Fire Protection Services Regulations under the Fire Protection Services Act, and 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, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the National Building Code shall replace the current code in effect;
 - ii. The National Fire Code and its supplements, as adopted pursuant to the Fire Protection Services Regulations under the Fire Protection Services Act, and is hereby declared to be and shall be taken as part and parcel to these Regulations as if the same were repeated herein in full, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the National Fire Code shall replace current code in effect;
 - iii. The Life Safety Code, being Document 101 of the National Fire Code Standards of the National Fire Protection Association (USA), as adopted pursuant to the Fire Protection Services Regulations under the Fire Protection Services Act, and 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, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the Life Safety Code shall replace the current code in effect;
 - iv. Any Development Regulations, and/or any other municipal regulation or standard regulating or controlling development, engineering and/or Building in force in the Town of Happy Valley-Goose Bay shall apply.
- b. Nothing in these Regulations shall exempt any person from complying with the requirements of any regulation or bylaw in force in the Town or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

14. REVOCATION

- a. The Council or its designate may revoke a Permit for the following reasons;
 - i. Failure by the Permit Holder to comply with these Regulations or any applicable law, rule or regulation;
 - ii. When construction is discontinued for a period of one year;
 - iii. Failure to comply with any condition attached to the Permit;

- iv. Where the Permit was issued in error or was issued contrary to the applicable Regulations or was issued on the basis of incorrect information; or,
- v. Where, in the opinion of Council or its designate, the continuance of work becomes dangerous to life or property.

15. PENALTIES

- a. Failure to comply with, or contravention of, these Regulations is an offense which may result in one or more of the following;
 - i. An order to stop development, construction or Building in accordance with the Town's Development Regulations;
 - ii. An order under Section 404(1) (e) of the Municipalities Act, 1999;
 - iii. Penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999;
 - iv. Violation notice issued under Section 421.1 (1) of the Municipalities Act, 1999;
 - v. Ticket under the Provincial Offenses Act in accordance with Section 421.1 of the Municipalities Act, 1999;
 - vi. Enforcement and penalty under the Provincial Occupancy and Maintenance Regulations (1021/96);
 - vii. Enforcement and penalties under Section 106 of the Urban and Rural Planning Act, 2000; or,
 - viii. Such other penalties, tickets, orders or other relief as may be available at law or in equity.

16. SEVERABILITY

If any portion of this regulation is found to be invalid by a court of competent jurisdiction the invalid portion is to be severed and the remainder will remain valid.

17. REPEAL

The Town of Happy Valley – Goose Bay Building Regulations adopted on the 22nd day of February, 2001 and all amendments are repealed.

18. EFFECTIVE DATE

These Regulations shall come into effect on the 17th day of December, 2013.

In witness whereof the Seal of the Town of Happy Valley-Goose Bay has been affixed hereto and these Regulations have been signed by the Mayor and Town Clerk on behalf of Council on this 17th day of December, 2013.

Jamie Snook (Mayor)

Hayward Broomfield (Town Clerk)

(seal)