

Pursuant to the powers vested in it, the Public Works Committee of Council in session convened on this 13<sup>th</sup> day of May, A.D., 2013, hereby passes and enacts the following Residential Property Standards By-Law prescribing minimum standards and regulations for the occupancy and maintenance of residential property in the Town of Lewisporte.

**TOWN OF LEWISPORTE  
RESIDENTIAL PROPERTY STANDARDS BY-LAW**

1. This By-Law may be cited as the Town of Lewisporte's Residential Property Standards By-Law.
2. This By-Law shall apply within the limits of the Town of Lewisporte.

**DEFINITIONS**

3. In this By-Law

(1) "accessory building" means any building or structure used for any purpose that is incidental or secondary to that of a residential use on the same lot. Without limiting the foregoing, such use shall include a private garage, shed, greenhouse or outside garbage receptacle.

(2) "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.

(3) "apartment building" means a dwelling unit containing three (3) or more apartments and includes a condominium.

(4) "town" means the Town of Lewisporte as incorporated on June 29<sup>th</sup>, 1946, and includes the Council.

(5) "dwelling" means any house, building, mobile home, trailer or other structure or any portion thereof, which is designed, constructed, or occupied in whole or in part, as the home, residence or sleeping place of one or more human beings.

(6) "dwelling unit" means a building, or part thereof, containing one or more habitable rooms, designed, used or intended to be used together for living and sleeping purposes by humans under a single tenancy and includes an apartment or condominium unit.

(7) "egress" or "means of egress" means a continuous unobstructed way of travel from any point in a building or structure to a public way and consists of three (3) distinct parts:

- (a) "exit access" which is that part of a means of egress within a floor area that provides access to an exit serving the floor area.

(b) "exit" which is that part of a means of egress that leads from the floor area it serves to an exit discharge.

(c) "exit discharge" which is that part of a means of egress between the termination of an exit and an open public way.

(8) "guard" means a protective barrier around openings in floors, or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

(9) "habitable room" means, subject to Section 3(12), a room designed for living, sleeping, or eating 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.

(10) "Inspector" means any official or employees of the Town or other person or persons designated by the Town of Lewisporte to enforce the provisions of this By-Law.

(11) "lodging house" shall mean a building wherein lodging facilities are provided for hire by more than four persons and in which sanitary or culinary facilities are used in common by the occupants of one or more dwelling units, and without limiting the generality of the foregoing, a lodging house includes a motel, hotel, tourist home, rooming house, boarding house and a multi-use residential building.

(12) "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.

(13) "Order" means a notice of violation or, a notice to demolish, vacate, or repair a dwelling served by an Inspector pursuant to this By-Law.

(14) "owner" includes any person:

(a) who, alone or jointly or severally with others, shall have the legal title to land, whether in fee simple or under a ground lease, with or without actual possession thereof,

(b) who manages or receives the rent of the land or dwelling whether on his own account or as agent or trustee of any other person, or who would receive such rent if the same were rented,

(c) who is a mortgagee in possession, but does not include a mortgagee merely because his mortgage vests the legal estate in him.

(15) "person" includes a corporation an heirs, executors, administrators or other legal representatives of a person.

(16) "repair" includes taking the necessary action to bring buildings and/or property up to standards.

(17) "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.

(18) "trailer" means a vehicle which has no motive power of its own and is designed to be attached to a truck, tractor or other motor vehicle.

(19) "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.

(20) "yard" means the land, other land publicly owned land, around and appurtenant to the whole or any part of a dwelling, and used or capable of being used in connection with the dwelling, whether or not the land is owned by the owner of the dwelling situated thereon, and includes lawns, courts, and driveways.

#### **GENERAL DUTIES AND OBLIGATIONS**

4. (1) No person shall use, permit the use of, rent, or offer to rent any building, dwelling unit, or room in violation of any provision of this By-Law or any other by-law or regulation of the Town of Lewisporte or the Lewisporte Municipal Plan Development Regulations 2005 - 2015.

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

(3) Where an Inspector has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of this By-Law or any other applicable law, by-law or regulation, of the Lewisporte Municipal Plan Development Regulations, no person shall remove such sign, placard, or notice except with the consent of the Inspector.

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

(a) limit the number of occupants thereof to be number permitted by this By-Law;

(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 there from clean and unobstructed; and

(d) maintain the same in a clean and sanitary condition and free from fire and accident hazards.

### **GENERAL PROPERTY REQUIREMENTS**

**5.** (1) All parts of a residential property shall be kept clean and free from:

(a) rubbish, garbage, and other debris,

(b) growth of weeds and grass that are detrimental to the health, safety or welfare of the occupants or the public that by reason of not being cut regularly are excessive when compared with neighboring properties, and

(c) objects and conditions, including holes and excavations that are or might create health, fire or accident hazards,

(d) graffiti.

(2) For new construction, the residential property shall be landscaped during the first year.

(3) No person shall repair, dismantle or scrap a vehicle on residential property.

(4) Repair in Section 5 (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 which is owned by an occupant of the residential property on which the repairs are being affected.

(5) No person shall deposit, discard or keep a wrecked, discarded, dismantled, inoperative, or abandoned vehicle, trailer or other machinery or any parts thereof on a residential property.

(6) This section shall not apply to any vehicle or parts when:

(a) the vehicle or parts thereof are enclosed within a building on private property, and

(b) the vehicle or parts thereof are owned by an occupant of the property.

(7) The provisions of this Section shall apply to vacant lots and to the premises of business establishments located within a residential zone and the owner of such vacant lots or premises shall maintain the same in accordance with this section.

**6.** (1) Vacant dwellings shall be maintained in accordance with this By-Law except as it relates solely to the convenient use of the dwelling as a residence.

(2) The owner of any vacant dwelling shall protect every such dwelling against risk of accident or other danger by effectively preventing the entry thereto by all unauthorized persons.

(3) Without restricting the generality of subsection 6 (2), the protection may include boarding up the dwelling with tight fitting plywood, securely fastened to every doorway, window or wall opening that constitutes a means of access, hazard or an unsightly appearance.

(4) All materials used for boarding up vacant buildings shall be covered and maintained with a preservative which is colour coordinated to the exterior of the building.

### **FENCES AND ACCESSORY BUILDINGS**

7. (1) All fences, barriers, accessory buildings and out buildings forming part of a residential property shall be kept:

- (a) weather resistant by the application of appropriate materials including paint and preservatives,
- (b) in good repair,
- (c) structurally sound, and
- (d) free from health, fire and accident hazards.

(2) No fence, barrier, accessory building or out building shall be placed or permitted to remain on any part of a residential property where by reason of its height or location it creates an accident hazard to motorists.

(3) Except with the consent of Council, the use of barbed wire is prohibited on residential property.

(4) Where a mobile structure has been modified to create an accessory building the resultant accessory building shall comply with the National Building Code of Canada and its architectural style shall conform with that of the primary structure to which it is subordinate.

### **WALKS, DRIVEWAYS, STEPS, ETC.**

8. All exterior steps to a dwelling and all walkways, driveways, parking spaces and similar areas of a yard shall be kept in good repair so as to provide safe passage under normal use.

### **ROOFS**

9. 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.

### **EXTERIOR WALLS**

**10.** (1) Every exterior wall of a dwelling and the components thereof shall have a suitable cladding or covering free of holes, cracks, or excessively worn surfaces and shall be maintained:

- (a) in good repair,
- (b) weather tight,
- (c) free from loose or unsecured objects and materials,

(2) Without restricting the generality of Section 10 (1), the maintenance of an exterior wall includes the painting of all exterior wood and metal work and restoring, repairing or replacing the wall and the components thereof.

### **FOUNDATION WALLS AND SUPPORTS**

**11.** Every foundation wall and every foundation support forming part of the residential property shall be maintained in good repair.

### **STRUCTURAL SOUNDNESS**

**12.** Every part of a residential property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be normally subjected to.

### **DOORS AND WINDOWS**

**13.** All windows, doors, and hatchways in a dwelling or accessory building shall be maintained in good repair.

### **SMOKE ALARMS**

**14.** At least one (1) approved U.L.C. listed smoke alarm is required in every dwelling unit.

### **UTILITIES**

**15.** (1) No owner or occupant of a dwelling shall disconnect, shut off, remove or otherwise discontinue or permit the disconnection of any utility serving a dwelling unless:

- (a) the dwelling unit is vacant, or
  - (b) such action is necessary to safely make repairs, and then only during the reasonable minimum time required to safely make such repairs.
- (2) Section 15 (1) does not apply:
- (a) where Council, the Inspector, or the utility supplier has ordered the disconnection of the utility, or
  - (b) where a person liable for utility rates has failed to make payment, resulting in the disconnection of the utility by the supplier.

### **PENALTY**

**16.** (1) Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a penalty, or where a violation notice is issued, to a penalty.

(2) Where any dwelling or dwelling unit is not kept in repair and maintained in accordance with the By-Law, and thereby in the opinion of the Inspector, the dwelling or dwelling unit is unfit for habitation, the said dwelling or dwelling unit shall, if Council so orders, be vacated within a period designated by Council after the delivery of an order to the owner or the posting of a notice in a conspicuous place on the dwelling or dwelling unit stating that the same is unfit for human habitation, and such dwelling or dwelling unit shall not thereafter be used for habitation again until the placard or notice is removed by the Inspector and he issues a certificate that the dwelling or dwelling unit conforms to the standards.

(3) Where any dwelling or dwelling unit is not kept in repair and maintained in accordance with the standards, and thereby in the opinion of the Inspector, the dwelling or dwelling unit is unfit for habitation and constitutes an immediate hazard to life, the said dwelling or dwelling unit shall be vacated by order of the Inspector after the delivery of an order to the owner or the posting of a notice in a conspicuous place on the dwelling or dwelling unit stating the same is unfit for human habitation and constitutes an immediate hazard to life, and that such dwelling or dwelling unit shall not after such date stated in such notice be used for habitation again until the placard or notice is removed by the Inspector and he issues a certificate that the dwelling or dwelling unit conforms to the standards.

(4) Where any residential property falls below the standards herein prescribed, the Town shall cause the Inspector to send by registered mail to or serve on the owner and all persons known to Council to have an interest in such residential property and upon the occupant thereof, if any, a notice stating that the residential property does not conform with the standards and that repairs are required to be made thereto, giving reasonable particulars of the repairs required to be made, or that the land must be cleared and left in a graded condition and

stating the period of time within which the repairs are to be made or the clearing is to be done, which period of time will be such period of time as the Inspector sees fit, and that if the repair or clearance is not so done within the period of time specified, the Council may carry out the repair or clearance and the cost of the work done may be levied against the residential property as a debt due to the Town or charged against the land concerned as taxes due and owing in respect of that land and Council may sue for and recover the cost of such repair or clearance.

(5) Nothing in this Section shall or shall be deemed to alter, amend, abrogate or restrict in any way the powers conferred on the Town of Lewisporte or its officials or servants, but such powers shall continue in full force and effect notwithstanding the enactment of these By-Laws.