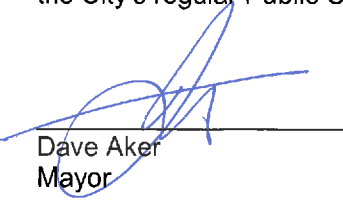



PUBLISHED BY AUTHORITY

Pursuant to the powers conferred by Section 236, 239, 240 and 438 of the City of Mount Pearl Act, RSN 1990, Chapter C-16 and all other powers enabling it, the City of Mount Pearl has enacted the following Regulations, which were adopted at its regular Public Council meeting held on the 19th day of March, A.D. 2019. Notice of Motion to adopt these Regulations was given at the City's regular Public Council meeting held on the 19th day of February, A.D. 2019.



Dave Aker
Mayor



Steve Kent
Chief Administrative Officer

BUILDING REGULATIONS 2019

1. These Regulations may be cited as the ***“City of Mount Pearl Building Regulations 2019”***; hereinafter referred to as “these Regulations”.

Definitions

2. In these Regulations:
- (a) “Act” means the *City of Mount Pearl Act*, RSN 1990, c. C-16 as amended;
 - (b) “applicant” means the property owner or his/her authorized representative;
 - (c) “building” means a structure, erection, excavation, alteration, or improvements placed on, over or under land or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial, and other similar uses;
 - (d) “City” means the City of Mount Pearl;
 - (e) “City Inspector” means any person designated to administer and /or enforce this regulation;
 - (f) “Council” means the Council of the City of Mount Pearl as defined in the Act;
 - (g) “dwelling” means a building used as a residence;
 - (h) “Department” means the Department of Community Development of the City;
 - (i) “Order” means an Order by Council which requires all actions as specified by the City Inspector as deficiencies, including but not limited to documentation to be provided or work to be carried out, to be addressed to the satisfaction of the City within the time period specified in the Order;

- (j) "owner" means the property owner as recorded on the assessment roll of the City of Mount Pearl;
- (k) "site" means the subject property which is the location of the development project;
- (l) "Stop Work Order" means an Order which requires all work as specified in the Order to cease at the site until such time as the Stop Work Order is lifted; and
- (m) "Service NL" means the Government of Newfoundland and Labrador office of Service NL.

Scope and Application

- 3. No building shall be constructed, placed, erected, changed, altered, extended, repaired, or demolished unless a permit for such use has been issued by the City and in accordance with these Regulations.
- 4. Subject to any express provisions of any statute or regulation prohibiting the alteration, repair, placement, or change of use of any building, any existing building, which for any reason whatsoever requires alterations or repairs at any one time equal to or in excess of fifty percent (50%) of the cost of erecting a new building of the same character and dimensions, such cost being calculated without including the cost of constructing foundations, shall be made to conform to the requirements of these Regulations or shall be demolished.

Permit Requirements

- 5. A permit shall be obtained prior to the commencement of any activity regulated pursuant to these Regulations.
- 6. A building permit shall be required from the City for:
 - (a) all new construction and extensions, placement of buildings, additions, structural changes affecting load bearing members, floor layout changes, and relocation of existing buildings;
 - (b) all repairs or renovations to existing buildings not covered by (a) above and that are not exempt from permitting;
 - (c) the construction, alteration or repair of retaining walls, driveways, walkways, steps, parking areas or other areas for vehicular traffic and changes or alteration to landscaping; and
 - (d) service repairs on private property.
- 7. An electrical permit shall be required from Service NL prior to any electrical work commencing on the building.
- 8. A plumbing permit shall be required from the City prior to any plumbing work commencing on the building.
- 9. An occupancy permit shall be required from the City prior to occupancy:
 - (a) of a new building;
 - (b) of an existing building that has been altered, extended, or repaired;
 - (c) for a change in use; and/or
 - (d) for a change in tenant.

10. A demolition permit shall be required from the City for the removal, destruction, or demolition of any building or part thereof.
11. The appropriate fees for a building permit, plumbing permit, occupancy permit, and/or demolition permit shall be established by Council as part of the annual approval of the Schedule of Rates and Fees approved pursuant to the Act.
12. The applicant for a permit shall file with the City a completed and signed application on the form as prescribed by the City. The application for a permit shall include the location of the project, the name of the owner, the name of the project engineer/architect, (if applicable), the name of the contractor, (if applicable), a description of the project, the total estimated cost of the project and any other information as may be required by the Department.
13. Complete plans and specifications outlining the project in clearly legible detail, and other such information as may be required by the Department, shall be submitted with the application, and shall be provided electronically in a PDF format, a CAD format with plot style included, or other file format that the City may agree it is able to accept.
14. When required by the National Building Code of Canada or the Department, plans and specifications submitted with an application shall bear the authorized seal and signature of a Professional Engineer or Architect registered in the Province of Newfoundland and Labrador.
15. When required by the Department, work carried out under the provisions of Section 14 of these Regulations shall be inspected by a Professional Engineer or Architect registered in the Province of Newfoundland and Labrador who shall submit a declaration certifying that the work has been carried out in accordance with approved plans and specifications.
16. The Department may refer any application to such other agencies, jurisdiction, or departments for review and approval as is deemed necessary or as required by law prior to granting a permit.
17. The Department may require an applicant for a permit to give notice of the application by letter to any person or persons whose interest may be affected by the proposed work, or may require notice of such application to be given at the cost of the applicant by public advertisement in a newspaper circulated in the area.
18. The application, plans and supporting documents shall be reviewed by the Department and, if found to be in conformity with these Regulations and all other applicable legislation, the Department may issue a permit for the work proposed upon receipt of the appropriate permit fee.
19. The Department may, upon granting a permit, impose such conditions as may be necessary to fulfill the requirements of these Regulations. Such conditions or requirements shall be outlined to the applicant in writing prior to, or upon the granting of, the permit.
20. Council may reject any application for any building, the size, design, or appearance of which, or the location of which, or the use of which, is, in the Council's opinion, unsuitable for the locality in which it is proposed to be erected, or placed, or inferior in general character to other buildings in that locality or any application which does not comply with these Regulations, or any other applicable legislation
21. The Department, in its discretion, may issue a permit for an approved application for the construction of a portion of a building when plans for that portion have been submitted

and approved, before the complete plans for the entire project have been reviewed and approved.

22. The applicant shall, at the request of the Department, provide a certification as to the total cost of construction, which certification must be signed by the owner.

Inspections/Progress of Work

23. Requests for inspections made under Section 24 shall be made at least two (2) City of Mount Pearl working days prior to each required day of inspection.

24. Applicants must ensure that the following inspections are requested, carried out and approved by the Department before the subsequent stage of construction or work is started:

- (a) *Stage A – Excavation Inspection:*
 - i. Setting of grades and setbacks.
 - ii. Excavation prior to footing placements.
- (b) *Stage B – Foundation / Backfill Inspection:*
 - Foundation and drain tile prior to backfill. (An acceptable location certificate must be provided before requesting this inspection.)
- (c) *Stage C – Framing Inspection:*
 - Framing prior to insulation. (Plumbing and electrical rough-in must be completed and approved prior to requesting this inspection and exterior cladding must be completed.)
 - Fireplace and chimney construction prior to insulation.
- (d) *Stage D – Insulation and Vapour Barrier Inspection:*
 - Insulation and vapour barrier prior to installation of drywall.
 - Damp-proofing/polyethylene prior to installation of floor slab.
- (e) *Stage E – Final Inspection:*
 - Completion of all construction of the building prior to occupancy. (Building must be ready for occupancy.)
- (f) *Stage F – Site Work Inspection:*
 - Completion of site requirements such as grading/landscaping or paving, including any development requirements or agreements applicable to the project.

25. A fee, as approved as part of the annual Schedule of Rates and Fees, may be imposed upon the applicant, payable prior to the next stage of construction, if the Department is required to repeat a stage inspection because the previous stage was not completed properly or deficiencies noted were not corrected.

26. During any inspection, a City Inspector will list any deficiencies that are noted on an Inspection Report; and a copy of the report will be issued to the applicant.

27. Any and all portions of a building for which a permit has been issued shall be made available for inspection as deemed necessary by the City Inspector.

28. A copy of the permit issued shall be kept posted in a conspicuous place at the location of the project for the duration of the work.

29. A copy of the approved plans shall be kept at the location of the project, available to the City Inspector, for the duration of the work.
30. No person shall erase, alter, or modify any plans or specifications upon which a permit has been granted by the Department, unless the Department has approved such changes.
31. If during the progress of work the applicant wishes to deviate and/or revise the plan filed with the application for a permit in any manner affecting the construction or other essentials of the building, notice of such deviation and/or revision together with new plans and specifications shall first be given in writing to the Department, whose written approval shall be obtained prior to the deviation and/or revision being implemented.
32. All permits issued by the Department under the provisions of these Regulations shall expire six (6) months from the date of issue, unless otherwise noted on the permit.
33. The Department may revoke any permit issued under the provisions of these Regulations for any of the following reasons:
 - (a) construction activity has ceased for a period of six (6) months;
 - (b) when, in the opinion of the Department, the construction is unduly delayed;
 - (c) there has been a violation of these Regulations or any legislation applicable thereto; or
 - (d) when, in the opinion of the Department, the continuance of the work becomes dangerous to life or property.
34. Notice of revocation of any permit shall be mailed or delivered to the applicant or posted upon the site by the City Inspector. After such notice is received or posted, it shall be a violation of these Regulations to proceed with any work for which such permit was issued.

Demolition Requirements

35. Prior to obtaining a demolition permit, an applicant shall:
 - (a) provide written confirmation from Newfoundland Power that the electrical supply to the building has been disconnected and that adequate safeguards have been taken for the protection of adjacent power lines or equipment, or that protection is not required;
 - (b) contact the City and request that the water supply to the building be discontinued and provide written verification that it has been discontinued;
 - (c) provide written confirmation that the building has been treated by a pest control company acceptable to the Department;
 - (d) pay the demolition permit fee; and
 - (e) provide Hazardous Materials Report if deemed necessary by City Inspector.

36. Work carried out under a demolition permit shall include:
- (a) erection of security fencing or barriers surrounding the building to be demolished, in order to restrict public access to the site during the demolition of the building;
 - (b) removal of all foundation and footings if applicable;
 - (c) removal of any hazardous materials as per Provincial Government requirements;
 - (d) removal of any fuel tanks, lines, and related equipment as per Provincial Government requirements; and
 - (e) backfilling with suitable material, grading to match existing surrounding grades, and providing a suitable ground cover such as sodding or seeding, unless otherwise permitted by the Department.
37. Persons who demolish a building, which is attached to another building or buildings, shall ensure the attached building is made weathertight and structurally sound in the opinion of the Department.

Site Standards/Safety and Cleanliness

38. The applicant shall keep the site in a reasonably clean condition and shall remove all rubbish and debris, failing which the City may carry out the requirements of this section and levy all costs against the owner.
39. Immediately following the completion of any work under a permit, or the revocation or expiration of any permit, the applicant shall remove from the site all unused building materials, all construction trailers or buildings, and all debris and rubbish, and shall restore the site to a clean condition; failing which, the City may carry out the requirements of this section and levy all costs against the owner.

Occupancy

40. 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 the Department. Where the terms of a permit prescribe, notice in writing of the intent to occupy or use a building shall be given at least fourteen (14) days prior to the date proposed for occupancy.
41. Unless otherwise stated by the City, the following shall be required prior to the issuance of an Occupancy Permit:
- (a) where required pursuant to section 14, a letter from the project engineer confirming that all electrical, structural, civil, architectural, and mechanical work was constructed in accordance with the National Building Code of Canada and associated ancillary codes including the National Fire Code and Life Safety Code as amended from time to time and to submitted plans;
 - (b) a final electrical certificate if electrical work has been undertaken on the building;
 - (c) a final plumbing certificate to be completed by a licensed plumbing contractor, registered with the City of Mount Pearl, if plumbing work has been undertaken on the building;
 - (d) a final building inspection by a City Inspector;

- (e) the payment of the occupancy permit fee; and
 - (f) other such plans, information, certifications and specifications as may be required by the Department.
42. The Department may issue a Conditional Occupancy Permit provided there is no immediate life safety, accident, or health hazards present in the opinion of the Department.
 43. If required by the Department, the applicant will pay a deposit prior to the issuance of a Conditional Occupancy Permit. The deposit shall reflect the value of the remaining required work as determined by the Department.
 44. Should the work required to be completed pursuant to a Conditional Occupancy Permit not be carried out within the time prescribed in the permit, the Department may use the deposit obtained under Section 43 to complete the work.
 45. The Department may refuse to issue an Occupancy Permit if final approvals from other agencies, jurisdictions, or departments have not been obtained, if outstanding deficiencies are not corrected, if the building is insufficiently finished, whether for reasons of safety, appearance, water supply, sanitation, wind and water tightness, or for any other reason relevant to the degree of completion of construction which may render the building unsuitable for use or occupancy or applicable fees have not been paid.
 46. No change shall be made in the use or occupancy of any building or any part thereof until the Department has issued a permit for the proposed occupancy.
 47. An applicant, applying for a change of occupancy, shall file with the Department a completed application form detailing the intended use of the property and, if required by the Department, provide copies of complete floor plans electronically in a PDF format, a CAD format with plot style included, or other file format that the City may agree it is able to accept.
 48. A change of occupancy shall be subject to the requirements of these Regulations and any other applicable legislation.

Applicable Codes

49. The National Building Code of Canada, 2015 Edition, and its supplements are 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 as of the effective date of the issuance of the successive edition of the code.
50. The National Fire Code, 2015 Edition, and its supplements are 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 Fire Code shall replace the current code in effect as of the effective date of the issuance of the successive edition of the code.
51. The Life Safety Code, 2018 Edition, being Document 101 of the National Fire Code Standards of the National Fire Protection Association (USA) 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 as of the effective date of the issuance of the successive edition of the Life Safety Code.

52. The National Plumbing Code of Canada, 2015 Edition, and its supplements are 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 Plumbing Code shall replace the current code in effect as of the effective date of the issuance of the successive edition of the code.

Penalties and Enforcement

53. The obligations and duties of the Department as contained in these Regulations shall be retroactive and where the existence or extent of such obligations and duties conflict with other obligations and duties contained in other legislation then the provisions of these Regulations shall prevail.

Removal of Building

54. Where
- (a) a building has been erected, started to be erected, or placed on a property;
 - (b) an existing building is repaired or an extension added to it; or
 - (c) the use of an existing building is changed other than under and in accordance with the terms of a permit issued by the Council and the building Regulations adopted by Council;

the Council may order the owner or builder to stop construction, pull down, remove, fill in or otherwise destroy the building and restore the site to its original state, or make the disposition or alteration of the building that the order directs, within the time specified in the Order.

55. Where a building is in a dilapidated state, or is, in the opinion of the Council, unfit for human habitation, or the other use for which it is then being used, or is a public nuisance, the Council may order the owner or occupier to pull down, remove, fill in or otherwise destroy the building and return the site to its original state, or make the disposition or alteration of the building that the Order directs, within the time specified in the Order.
56. An Order made under this section shall be signed by the Chief Administrative Officer and shall be served upon the owner or builder of the building either personally or by registered mail, or by posting the notice on the building, where the owner or builder is not known.

Order not obeyed

57. Where an Order made under Sections 54 or 55 of these Regulations is not complied with within the time set out in the Order, and a period of 14 days has passed from the time of service or posting of the notice, and an appeal has not been started, heard or otherwise disposed of under section 240 of the Act, the Council may carry out the work required by the Order through its employees or agents and may recover the cost of carrying out the order as a civil debt from the person on whom the order was served.
58. The Council or its employees or agents may take an action by way of prosecution or other legal proceeding including but not limited to an application for an injunction or

declaratory relief which the Council or its employees or agents consider necessary to enforce Sections 54 or 55 of these Regulations or an order made under that section.

Appeal

59. A person who feels aggrieved by an order made under Sections 54 or 55 of these Regulations may, within 14 days of the service or posting of the order, appeal to the Eastern Region Appeals Board established under the *Urban and Rural Planning Act* as provided for under section 240 of the Act.
60. Notwithstanding Sections 54 or 55 of these Regulations, a Stop Work Order remains in full effect and is subject to a penalty for a contravention under subsection 239(2) of the Act.
61. Notwithstanding Sections 54 or 55 of these Regulations, where a building poses an immediate threat to public health and safety, the Council may take those steps that it considers necessary to eliminate that threat and may collect the costs of eliminating the threat from the owner.
62. Any person who contravenes the provisions of these Regulations shall be guilty of an offence and liable upon summary conviction to a fine of not less than two hundred and fifty dollars (\$250.00) on the first offence, and to a fine of not less than five hundred dollars (\$500.00) on a second or subsequent offence as provided for under section 438 of the Act.
63. Enforcement of these Regulations may be carried out through an application for injunctive or declaratory relief as provided for under Section 239 of the Act.

Coming Into Effect

64. These Regulations shall come into effect on the 29th day of March, A.D. 2019.

Publication

65. The Notice of Adoption of these Regulations shall be published in a newspaper in the area on the 27th day of March, A.D. 2019 and in the Newfoundland and Labrador Gazette on the 29th day of March, A.D. 2019.

Copy to Minister

66. A copy of these Regulations was sent to the Minister of the Department of Municipal Affairs and Environment on the 29th day of March, A.D. 2019.

Repeal of Previous Regulations and Amendments

67. The previous City of Mount Pearl Building Regulations 2011 are repealed.