



OCCUPANCY REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 5th day of February, 2014 and to come into effect as of the 5th day of February, 2014.

A copy of these Regulations was sent to the Minister of Municipal and Intergovernmental Affairs on the 10th day of February, 2014.

Claude Elliott
MAYOR

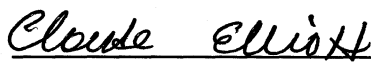
J. Brown
TOWN CLERK

Town of Gander Occupancy Regulations

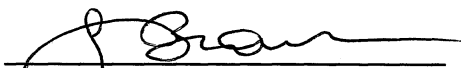
PUBLISHED BY AUTHORITY

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Occupancy Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal and Intergovernmental Affairs on the 10th day of February, 2014.



MAYOR



TOWN CLERK

OCCUPANCY REGULATIONS

1. **Title**
These Regulations may be cited as the Town of Gander Occupancy Regulations.
2. **Definitions**
As per Schedule "A" of the Town of Gander's Development Regulations.
3. **Application**
A permit will be required for the following:
 - a) Prior to the occupancy of all new buildings or parts thereof;
 - b) When the occupancy of a building or part thereof is changed, or when there is a change of ownership (non-residential only);
 - c) When the use of an existing building is changed;
 - d) When a building has been vacant for a period of six months or more;

4. General Information

- a) No building shall be occupied in whole or in part until an Occupancy Permit has been issued by the Enforcement Authority;
- b) The Inspector may issue a Conditional Occupancy Permit provided there are no immediate life safety, accident or health hazards present in the opinion of the Inspector;
- c) The Inspector may require a builder or vendor of a property to provide the name and address of the purchaser of the property so as to enable the Inspector to provide a copy of the Conditional Occupancy Permit to such purchaser;
- d) If required by the Enforcement Authority, a deposit shall be paid by the applicant prior to the issuance of a Conditional Occupancy Permit. The deposit shall reflect the value of the remaining required work as determined by the Enforcement Authority;
- e) Should the work required to be completed pursuant to a Conditional Occupancy Certificate not be carried out in the time prescribed the Enforcement Authority may use the deposit obtained under Subsection (4) to have the work completed; any residual balance owing to the Town shall be recoverable from the owner as a civil debt owed to Council and shall attach to the property as a secured claim;
- f) The Enforcement Authority 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 or applicable fees have not been paid;
- g) No change shall be made in the use or occupancy of any building or any part thereof until a permit for the proposed occupancy has been issued by the Enforcement Authority;
- h) An applicant for a change of occupancy shall file with the Clerk, a completed application form detailing the intended use of the property and, if required by the Enforcement Authority, duplicate copies of complete floor plans;
- i) A change of occupancy shall be subject to the requirements of these Regulations, the Town of Gander Development Regulations and any other applicable legislation;
- j) 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;

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- k) 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;
- l) Notwithstanding subsections 10 and 11, temporary departures from existing properties for annual vacation, work related purposes, education, health reasons, temporary duty elsewhere, or business trips, shall not be considered vacancies under these Regulations.

5. Enforcement

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 5 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;

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- h) It shall be the duty of a Police Officer or the Enforcement Authority to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
 - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

6. Failure to Comply

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 5 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

7. Offence and Penalties

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
 - ii. May be subject to an order under section 404 (1) of the Act; or
 - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or

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- iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

8. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

9. Repeal

All previous Occupancy Regulations thereto, are hereby repealed.