

# TOWN OF WHITBOURNE

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BY - LAWS

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## Vehicle Regulations

1. These regulations shall be known and cited as the Town of Whitbourne Commercial Vehicle Regulations.
2. For the purpose of this By-Law unless the context otherwise requires:
  - a. “*Bus*” means a motor vehicle designed or used for carrying more than fourteen passengers in addition to the driver.
  - b. “*Commercial Motor Vehicle*” means any vehicle designed, maintained, or used primarily for the transportation of property and persons, and includes a bus, truck (excluding  $\frac{3}{4}$  ton and under), delivery van or wagon, tractor, truck tractor and trailer, heavy equipment, construction equipment, but does not include a taxi-cab, jitney bus or recreational vehicle.
  - c. “*Council*” means the Town Council of the Town of Whitbourne.
  - d. “*Park*” means to permit a vehicle, whether occupied or not, to stand otherwise than temporarily for the immediate purpose of and while actually engaged in loading or unloading goods or taking up or setting down passengers.
  - e. “*Person*” means any person, firm, corporation, partnership, association, or organization of any kind.
  - f. “*Representative*” means the Town’s Regulations Control Officer or another employee of Council designated by Council to enforce the provisions of this By-Law.
  - g. “*Residential Zone*” means any Residential use zone as defined under the Town of Whitbourne Land Use Zoning, Subdivision, and Advertisement Regulations.
  - h. “*Town*” shall mean the Town of Whitbourne, Newfoundland.
3. This regulation shall not prohibit:
  - a. The operation of emergency vehicles upon any street in the town.
  - b. The operation of commercial motor vehicles owned or operated by the Town, Public Utilities, any contractor or material person while engaged in the repair, delivery of materials, maintenance or construction of streets, street improvements, or street utilities within the Town.
  - c. No person shall park any commercial motor vehicle in any residential zone in the Town unless a permit for the parking has been issued by Council, valid no longer than one year and is not transferable.
  - d. An application for a permit to park any commercial motor vehicle in any residential zone shall be made to the Council and every applicant for a permit shall furnish with the applicant such information as council may require.
  - e. The council shall attach to the permit such conditions as it deems fit for the parking of any commercial motor vehicle in a residential zone and may permit parking for such limited time as it deems fit.
4. The Representative may enter upon any public or private land may at all reasonable times make an inspection for the purpose of obtaining information relative to the parking of any commercial motor vehicle, or whatever works whatsoever which the Town is empowered to regulate.

5. Any person who contravenes any of the provisions of this By-Law is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand dollars exclusive of costs.
6. Any person, firm, corporation, or individual that feels aggrieved by or is not satisfied with a decision of Council resulting from an exercise of powers administered under this By-Law may appeal such a decision subject to the provisions of the Town of Whitbourne Land Use Zoning, Sub-division and Advertisement Regulations.

## Noise Regulations

1. These regulations shall be known as the Town of Whitbourne Anti-Noise Regulations 1987.
2. **Interpretation**
  - a. “*Council*” means the Town Council of Whitbourne.
  - b. “*Motor Vehicle*” means a motor vehicle registered under the Highway Traffic Act.
3. No person shall use a motor vehicle horn or other horn any more than is reasonably necessary for the safety and warning of other traffic or pedestrians.
4. No person shall permit a dog owned by that person, under his care, or control to bark when it is likely to disturb the peace and quiet of a neighborhood.
5. No person shall between the hours of 11:00 p.m. and 7:00 a.m. use or operate a lawnmower, chain saw, snowmobile, radio, record player, tape recorder/player, musical instruments, machines, trucks, or equipment in such a manner which is likely to disturb the peace and quiet of a neighborhood.
6. No person shall operate a motor vehicle unless it is equipped with a muffler so constructed as to prevent any intense noise.
7. No person shall cause a noise or sound by the squealing of tires or brakes of a motor vehicle caused by an unnecessarily rapid braking, turning or setting in motion of such motor vehicle.
8. No person shall cause a noise or any other nuisance, including the use of pellet and air guns that in the opinion of the Council has an unpleasant effect on the senses.
9. Nothing in these regulations shall be deemed to prohibit the following:
  - a. The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle or other vehicle when the sounding of such signal device is required by law.
  - b. The sounding of the siren or horn or any Ambulance, Police, Fire Department, Public Service or Emergency Service, while answering a call.
  - c. The ringing of any Church Bells.
  - d. The sounding of railway bells, horns or signals.
  - e. The sounding of industrial whistles.
10. Every person on whom an order is made under Section 210 of the Municipalities Act 1982 has been served who refuses or fails to comply with the order is guilty of an offence and liable on Summary Conviction to a fine of not less than twenty-five dollars for every day of refusal or failure to comply, and in default of payment to a period of imprisonment not exceeding three weeks.

# Traffic Regulations

## 1. Interpretation

- a. “*Council*” means the Town Council of Whitbourne under the provisions of a Local Government Act, 1972.
  - b. “*Town*” means the Town of Whitbourne as defined in paragraph 2 of Order-in-Council dated the 25<sup>th</sup> day of November A.D., 1969 and made under the Local Government Act, 1972.
  - c. “*Park*” means allow a motor vehicle to remain on a highway in a stationary position whether or not the operator remains in control; provided that a vehicle shall not be deemed to be so parked if it is stopped for the immediate taking up or discharging of passengers or for such time as may be actually necessary for the loading or unloading of goods or for repairing such vehicle when repairs thereto are necessary on a highway.
  - d. “*Highway*” shall include any way in which the public has access, and bridges over which a highway passes, and shall also include every place to which the public has access as a parking place for motor vehicle.
2. No person shall drive any motor vehicle at a speed exceeding the posted limits within the limits of the Town.
  3. The Council may cause or permit traffic signs to be placed on or near any highway within the limits of the Town.
  4. Traffic signs erected or authorized under subsection (1) of these regulations may be signs for the purpose of:
    - a. To regulate the movement of traffic.
    - b. To indicate the route to be followed by traffic.
    - c. To restrict or prohibit the use of any part of any highway other than a main highway designated as such by the Minister of Highways within the limits of the Town.
    - d. To indicate maximum speed limits in any area or on any part of any highway within the limits of the Town, so that vehicles driven in excess of such speed shall be taken to have failed to conform to the indication given by the sign.
    - e. To restrict or prohibit the parking of vehicles in any area or on any part of any highway within the limits of the Town.
    - f. To restrict or prohibit temporarily the use of any highway other than a main highway designated as such by the Minister of Highways, or any part of any highway within the limits of the Town, whenever owing to the likelihood of danger to the public or serious damage to the highway, it appears to the Council to be necessary; and to limit the loads of vehicles owing to conditions of any highway; if the Council deems it necessary; provided that the sign shall not apply to any person granted a permit in writing by the Council to use the highway in case of emergency.
    - g. To warn users of the highway of the need for special attention.

- h. To convey information to users of the highway within the limits of the Town.
5. Any person who fails to comply with the direction or prohibitions given by any signs shall be guilty of an offence against these regulations.
  6. No person shall park any vehicles used as a taxi on the highway for the purpose of soliciting business, except in a place designated by the Council for that purpose.
  7. No person shall park a vehicle in anyway as to obstruct a private driveway.
  8. No person shall park a vehicle within a distance of 20 ft. from a public establishment.
  9. No public service vehicle operating within the Town for hire or reward shall stop anywhere on any highway to solicit business except at designated stops and passengers may enter or leave such public service vehicles at the aforementioned stops only.
  10. Signs to indicate where public service vehicles may stop but only for the purpose of taking up setting down passengers shall have inscribed thereon the words "BUS STOP" and no vehicle, other than a public service vehicle, shall stop within twenty five feet of such a sign.
  11. No person shall place, maintain or display upon or in the view of any highway any unauthorized sign, signal, marking or device or sign which purposes to be or is an imitation of or resembles an official traffic control devices or sign, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control devices or sign.
  12. No person shall, without authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or sign.
  13. No person shall park any motor vehicle on the highway at any time in such a way as to interfere with, hinder or obstruct the normal flow of traffic.
  14. The driver of a commercial vehicle loading or unloading freight within the Town shall, if possible pull such motor vehicle off the highway into some private parking space, where this is not possible, the driver shall, when loading or unloading freight, pull in as near as possible to the curb and load or unload as quickly as possible, but in so case shall a driver place a commercial motor vehicle in such a position as to hinder or obstruct the normal flow of traffic.
  15. When a commercial motor vehicle has to cross the sidewalk or highway to load or unload freight, the driver of such vehicle shall, before crossing, stop and give fair warning to pedestrians either by hand or by sounding the horn that he is going to cross, after which such sign is given, he shall proceed to cross such sidewalk with extreme caution.

16. No person shall cause the tires of their vehicle to spin unnecessarily as to make excessive noise.
17. Upon approaching a crosswalk, a motorist shall stop his vehicle and yield to any pedestrians in the crosswalk.
18. The driver of every motor vehicle to stop as near the right hand curb or side drain as possible until the said emergency vehicle has passed, and at night dims or shut off the lights of his vehicle.
19. No person shall park any motor vehicle within ten feet adjacent to a fire hydrant.
20. When a fire is in progress in any area within the Town, no driver of any vehicle shall drive or place any such vehicle within two hundred yards of such fire or in such a place as to obstruct in any way the free working of the fire apparatus or firemen in the performance of their duties; provided, however that this regulation shall not apply to firefighting apparatus, vehicles of the police, medical doctors or nurses or to ambulances.
21. No person shall sound the horn of a motor vehicle except for the purpose of giving warning of the vehicle's approach and every driver of a motor vehicle shall refrain from excessive or unnecessary sounding of a horn.
22. No person shall park any motor vehicle on any street within the Town in such a manner as to interfere with, hinder or obstruct snow clearing operations.
23. Any person who violates any of the provisions of these regulations shall be guilty of an offence and shall be liable on summary, conviction to a penalty not exceeding One Hundred Dollars or in default or payment, of such penalty to imprisonment for a period not exceeding ninety days.



## **Fence Regulations**

1. **Interpretations:** in these regulations unless the context otherwise requires:
  - a. “*Act*” means the Local Government Act, 1972.
  - b. “*Council*” means the Town Council of Whitbourne
  - c. “*Town*” means the Town of Whitbourne as defined by paragraph 2 of Order-in-Council, dated the 25<sup>th</sup> day of November, A.D., 1969, and made under the provisions of the said Act.
  
2. All fences erected on lots abutting on any street or road, shall only be of a material which meets the approval of Council.
  
3. All fences, referred to in Regulations 2 of these regulations, shall be erected only after a permit in writing has been issued by the council.
  
4. No person except with the approval of the Council in writing shall erect any fence, as referred to in Regulation 3 of these regulations at a distance of less than twenty feet from the centre of any street or road.
  
5. Any person who violates any of the provisions of these regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment of such fine to imprisonment for a period of not exceeding ninety days.

## **Anti-Litter Regulations**

1. **Interpretations:** In these regulations unless the context otherwise requires:
  - a. “*Act*” shall mean the Municipalities Act, 1979.
  - b. “*Council*” shall mean the Town Council of the Town of Whitbourne.
  - c. “*Town*” shall mean the Town of Whitbourne as defined by paragraph 2 of Order-in-Council dated the 16<sup>th</sup> day of April, A.D., 1968, and made under the Municipalities Act, 1979.
  - d. *Authorized Receptacles:* A litter storage or collection receptacle as required by the Town Council of Whitbourne (Garbage) Regulations, or as may be approved by the Council.
  - e. *Hand Bill:* A printed or written matter, circular sample, advertisement, leaflet or paper other than a newspaper or Her Majesty’s mail.
  - f. *Litter:* Any obnoxious substance, waste or unsanitary matter, refuse, garbage, rubbish, ashes, street boxes, tin cans, leaves, wood, bedding, crockery, glass bottles and glass in all its forms, cement bags and bags of all descriptions and other matter or thing which if thrown or deposited as herein prohibited tends, or is likely to cause or cause unsightliness within the Town creates a danger to health, welfare, or public safety and includes apparently abandoned vehicles and appliances.
  - g. *Person:* Any person, firm, partnership association, corporation, company or organization of any kind.
  - h. *Town Clerk:* Shall mean the Town Clerk of the Town Council of Whitbourne
  
2. **Litter in Public Places:** No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in authorized receptacles for collection or in authorized Town dumps.
  
3. **Placement of Litter in Receptacles so as to Prevent Scatterings:** Persons placing litter in authorized receptacles or in authorized Town dumps shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon private property, or pond, river or stream.
  
4. **Sweeping Litter into Gutters Prohibited:** No person shall sweep into or deposit into any gutter, street or public place within the Town the accumulation of litter from any building or lot from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
  
5. **Business Houses Responsibility:** No person owning or occupying a place of Business shall sweep into or deposit into any gutter, street or other public place within the Town the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk of parking area free of litter, provided however that nothing in this Section or in Section 9 shall prohibit persons from watering sidewalks, gutters or streets fronting their premises in order to minimize or control the spreading and flow of dust.

6. **Litter Thrown by Persons in Vehicles:** No person while a driver or passenger in a vehicle shall throw or deposit litter of any description upon any street or other public place or upon private property within the Town.
7. **Truck Loads Causing Litter:** No person shall driver or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, land or public or private property.
8. **Litter in Parks:** No person shall throw or deposit litter in any park within the Town except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any street or any part of the park or any public place or private property. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
9. **Litter in Waterways:** No person shall throw or deposit litter in any ditch, pond or stream or other body of water in any park or elsewhere within the Town.
10. No person shall post or affix any notices, poster, or other matter or device calculated to attract the attention of the public to any lamp post, public utility pole, tree, or upon any public structure or building except as may be authorized by the Council or required by law.
11. **Litter on Private Property:** No person shall throw or deposit litter on any private property within the Town, whether the property is owned by such person or not, except that the owner or person in control or private property may maintain authorized receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public places or upon any private property.
12. **Debris Prohibited:** Land shall be free from debris, and/or waster material, including any vehicle, vehicle parts, trailer, object or materials which are in a wrecked, discarded, or abandoned condition.
13. **Order for Disposal of Litter:** The Town Clerk is empowered and authorized to order the owner or occupier of any private property within the Town to properly dispose of any or all litter located on such property. Such order shall be by means of a notice signed by the Town Clerk and served upon the owner or occupier.
14. **Council May Carry Out Directions:** If any notice issued and served under Section 12 is not complied with or it not so far complied with as the Council regards as reasonable within the time named in the notice, the Council may carry out the directions contained in the notice through its officers, agents, employees or contractors and recover the cost of so doing as a civil debt from the person on whom the notice was served.
15. **Enforcements:** It shall be the duty of a Police Officer or any person assigned by the Council to enforce, these regulations.
  - a. To report the name and address of any person observed or reliably reported to have violated any of the provisions of these regulations.

- b. To report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation.
- c. To serve upon the person violating any provisions of these regulations a serially numbered notice that the person concerned has violate a provision of the regulations and instructing such person to carry out any order in regard to such regulations.
- d. To furnish the Town Clerk a duplicate of each serially numbered notice of violation.

16. **Penalty:** Every person served with a notice of violation shall carry out the instruction contained in such notice. Failure to comply with instructions within the time stated in such notice will make the person liable to fine, or conviction, minimum fine \$50.00 and in default of payment of such penalty to imprisonment for a period not exceeding thirty days. Not withstanding anything in the foregoing, any person guilty of throwing bottles or glass on public streets or in parks or in public property within the Town shall be liable on conviction to a fine of \$500.00 and in default of payment of such penalty to imprisonment for a period not exceeding ninety days, or to both such fine or period of imprisonment, under the provision of the Municipalities Act (1979) Section 443.

## **Animal Regulations**

1. These regulations shall be known and cited as the Town of Whitbourne Keeping of Animals Other Than Dogs Regulations.
2. For the purpose of this By-Law unless the context otherwise requires:
  - a. “*Animal*” means sheep, goats, cows, calf, horses, swine, fowls, geese, and ducks.
  - b. “*Council*” means the Town Council of Whitbourne.
  - c. “*Town*” means the Town of Whitbourne as defined by Paragraph 2 of Order-to-Council dated 16<sup>th</sup> day of April, 1968 and made under the Local Government Act.
  - d. “*Town Clerk*” means any person appointed as such by the Council under the said Act.
  - e. “*Impounder*” means any person appointed by the Council under the said Act or another employee of Council designated by Council to enforce the provisions of this By-Law.
3. No person shall keep in any dwelling or part thereof in the Town any horse, cow, calf, swine, sheep, goat, fowls, geese or ducks.
4. The Town may refuse to permit the keeping of any animals or fowl which it considers offensive, or likely to create a public nuisance or health hazard, or is perceived as causing a threat to public safety.
5. If any animal or fowl shall bite any person other than its owner or a member of the owner’s household and while not in the owner’s premises, such animal or fowl shall be deemed to be a nuisance and the owner thereof shall be deemed to have committed an offence in terms of this regulation.
6. Any animal or fowls under this Act are the sole responsibility of the owner and shall be kept under the care and control of the owner at all times and in no way become a nuisance or annoyance to other residents in the Town.
7. If any animal or fowl shall make any noise in such manner as to disturb the peace or to constitute an annoyance to the residents in the neighborhood, such animal or fowl shall be deemed to be a nuisance and the owners thereof shall be deemed to have committed an offence in terms of this regulation.
8. The following seizing and impounding fees shall be paid by the owner of an animal seized or impounded:
  - a. *Unlicensed animal first offence* - \$50.00
  - b. *Second Offence* - \$50.00
  - c. *Third and Subsequent Offences* - \$100.00
9. Any person who contravenes or fails to comply with any other provisions of this Regulation shall for each offence be liable to a fine not exceeding one thousand dollars.

10. It shall be the duty of the Impounder and he shall have power;
  - a. To seize and impound any sheep, goat, cow, horse, calf, swine, fowls, geese and ducks which may be found straying or at large in any street of public place or park of the Town, or in any open field of common form which free access can be had thereto; and to enter any premises for the purpose of capturing any such animal found straying or at large as aforesaid or recapturing any such animal which may escape from his control using any methods of capture approved by Council;
  - b. To deal with animals impounded according to the following rules:
    - i. Any animal that has been seized by the Impounder may, with the permission of the Council, be immediately destroyed.
    - ii. Any animal that has been seized by the Impounder and is in his opinion so diseased or injured or is in such physical condition that it ought to be destroyed, or the keeping of which within the Town (if such animal has been seized within the Town Boundary) is prohibited, shall be immediately destroyed.
    - iii. When an animal has been impounded, the Impounder shall notify the Town Clerk or such other official of the Council as shall have the care of such matters and the Clerk, or such other official, shall make record of such impounding in a book to be kept for that purpose. The Council may then but shall not be bound to advertise that such animal has been impounded.
    - iv. The owner may recover the animal impounded on such proof of his ownership of the animal as the Impounder may require and upon payment of the Impounding fees and expenses together with the registration fee for the current year if applicable.
    - v. The impounder shall keep any unclaimed animal in the pound for such period, not exceeding 48 hours, as he shall in his discretion think fair and after the expiration of such period shall either sell such animal by public or private sale, and after deducting the fees and expenses of impounding and sale and compensation for any damage done by such animal to property of the Town, pay the balance, if any, to the Town Clerk, or shall destroy such animal.
  - c. To perform such other duties as may be assigned to him by the Council.

11. Without restricting the powers of the Impounder, any person charged with the enforcement of this Regulation shall have the power to enter upon all lands and into any building for the purpose of carrying out the provisions of this Regulation provided that the entrance to any private residence shall be limited to the hours between 10:00 a.m. and 4:00 p.m.

12. Where any person is authorized to destroy any animal under this Regulation he shall do so in a manner as humanely as possible.

## **Building Regulations**

1. **Interpretations:** In these regulations unless the context otherwise requires:
  - a. “*Act*” means the Municipalities Act, 1980.
  - b. “*Council*” means the Town Council of the Town of Whitbourne constituted under the provisions of the said Act.
  - c. “*Town*” means the Town of Whitbourne as defined by Paragraph 2 of Order-in-Council, dated the 25<sup>th</sup> day of November A.D., 1969 and made under the Local Government Act, 1972.
  - d. “*Assembly Room*” means any other than a habitable room, business or work room, used by persons assembling for civic, political, religious, educational, social, and recreational or amusement purposes, and includes traveler’s waiting rooms.
  - e. “*Building*” includes every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under the land and every part of same, and any chimney, staircase, porch or other structure used in connection with such building, and all equipment, apparatus, or appliances attached to or installed in any building, and includes a trailer which is occupied for a period or not less than three months.
  - f. “*Dwelling*” means a building used as a residence by not more than two families above the first storey and not more than three families in any case.
  - g. “*Inspector*” means any person appointed as such by the Council.
  
2. The inspector shall enforce all the building laws and regulations of the Town and shall make a record of any violations, thereof stating the nature of the violation, the street and number of locality at which any violation is found, the owner of the building, the architect and master mechanic employed, and any other matter in his judgment proper to be recorded and shall report such violation to the Council who shall forthwith take such action as may be necessary to compel compliance with the law. It shall be the duty of the inspector, during the progress of the construction, alterations, repair, removal or demolition of any building for which a permit has been issued, to inspect the work from time to time and ensure a strict compliance with all the provisions of these regulations.
  
3. No building or any part of any building shall hereafter be constructed except in conformity with the provisions of these regulations.
  
4. Except as specifically permitted by these regulations all alterations. Additions, or repairs made hereafter, whether to existing buildings or to buildings hereafter erected, shall conform to the requirements of these regulations except with the permission of the Council in writing.
  
5. Any existing building which for any reason whatsoever requires alterations or repairs at any one time equal to or in excess of fifty (50) per centum of the cost of erecting a new building of the same character and dimensions, such cost being calculated without including the cost of constructing cellars or chimneys, shall be made to conform to the requirements of these regulations or shall be demolished.

6. No person shall erect, construct or repair any building within the area unless a permit for the erection, construction, or repair of such building shall have been first issued by the Council.
7. Every application for a permit to erect, construct or repair any building shall be accompanied by plans and specifications thereof in duplicate provided that in case of repairs where no structural alteration is contemplated it shall be sufficient to submit a full description and specification of the same without plans.
8. The plans and specifications shall set forth:
  - a. The use or purpose for which the building is intended;
  - b. All buildings existing upon the said lot with the outside dimensions and heights of the same;
  - c. The location and dimensions of the lot to be built upon;
  - d. The heights and dimensions of the proposed building;
  - e. The sewer and water connections or the location of the privy or septic tank and well as the case may be;
  - f. The materials to be used;
  - g. The name of the builder;
  - h. Such other information as the Council deems requisite in any particular case.
9. (1) No person shall erase, alter or modify any drawings or specifications upon which a building permit has been granted by the Council unless the Council has agreed to such changes.  
(2) If during the progress of the work, it is desired to deviate from the plan filed with the application for a building permit, in any manner affecting the construction or other essentials of the building, notice of such desired alterations together with new plans and specifications shall first be given in writing to the Council whose written approval shall be obtained before such alterations are commenced.
10. Any building permit issued by the Council under the provisions of these regulations shall expire unless building construction is started within six months from the date of issue.
11. The Council may revoke any permit issued under the provisions of these regulations or may stop the work for any of the following reasons:
  - a. When construction is discontinued for a period of one year;
  - b. When in the opinion of the Council the completion of the construction has been duly delayed;
  - c. Whenever there has been a violation of the provisions of these regulations;
  - d. Whenever the continuance of the work becomes dangerous to life of property.
12. The revocation of any permit shall be by notice in writing and shall be served upon the owner, his agent or the person having charge of the work. A revocation notice shall also be posted upon the building by the inspector. After such notice is received or posted, it shall be unlawful for any person to proceed with any work for which such permit was issued.
13. The Council may require an applicant for a permit to give notice of the application by letter to any person or persons whose interests may be affected by any proposed



construction, alteration, or repairs, or may require notice of such application to be given at the cost of the applicant by public advertisement in a newspaper circulating in the Town.

14. There shall be kept posted in a conspicuous place on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of such permit, or a poster in lieu thereof as supplied by the Council during the whole progress of said work, or the doing of the said matter of thing, until completed.

15. In every case in which plans have been filed with an application for a permit, a copy of such plans, certified by the inspector, shall be kept on the premises where the work in question is being done, available to the inspector or any of his assistants at any time during the progress of the whole work until completion.

16. No building shall be erected except in accordance with the statements, representations, plans and specifications made or submitted to and approved by the Council on the application for the granting of any building permit, and on the completion of the work, the architect or engineer or other person in charge of the construction of the same, shall if required, file with the Council a declaration under oath that the workmanship and materials used were in accordance with the plans and specifications filed with the Council on the application for a permit and comply with the provisions of these regulations.

17. (1) Where it shall be prescribed, no building constructed under a permit issued by the Council shall be occupied or used until an occupancy permit is granted by the Council.

(2) The Council may withhold an occupancy permit if in the opinion of the Council it is insufficiently finished whether for reasons of safety, appearance, water supply, sanitation, wind and water tightness, or for any other reason relevant to digress of completion of construction which may render the building unsuitable for use or occupancy.

(3) Every person building in accordance with the terms of a permit granted by the Council shall, if the terms of the permit so prescribe, give the Council notice in writing or its intention to occupy or use a building at least fourteen days before the date upon which he proposes to occupy or use such building.

18. The Council may refuse to issue a permit for any building the size, design or appearance of which or the location of which on the lot is in its opinion unsuitable for the locality in which it is proposed to be erected, or inferior in general character to other buildings in that locality.

19. No building shall be moved to a new location unless a permit for such change of location and removal has been first obtained from the Council.

20. A permit to move a building to another location shall not be granted if such building has been damaged by any cause to a greater extent than fifty (50) per centum of its original value exclusive of foundations.

21. A change of a location of a building shall be considered a re-erection of such building and be subject to all the provisions of the regulations.

22. (1) All foundation walls supporting masonry construction shall be built of masonry or reinforced concrete. Wood frame construction shall be supported on walls or piers of masonry or reinforced concrete.

(2) In no case shall the thickness of a masonry foundation wall be less than that of the wall above it and every foundation wall supporting wood frame construction shall not be less than eight inches thick if of solid masonry or ten inches thick if of hollow masonry; provided that any wall supporting masonry veneer shall have a minimum thickness of ten inches.

(3) This regulation shall not apply to the foundation of detached garages or similar accessory buildings of not more than one storey in height.

23. Unless its walls are of brick, stone, concrete or other substantial and unflammable material, and its roof of slate, tiles, iron, asbestos, felt, and gravel, or other unflammable material, no building except in height the width of the street on which it abuts nor in any case shall it exceed forty-five feet in height. The height of a wall shall be measured from the base to the highest point of the wall, or in the case of a wall comprising a gable, to half the height of the gable.

24. Except with the prior approval in writing of the Council every dwelling shall be located on a lot having a street frontage of not less than forty-five feet and an area of not less than four thousand five hundred square feet and a mean depth of not less than one hundred and every automobile service station, shop, restaurant, office, school, church, club, lodge, hall, lounge, theatre, warehouse, hotel, canteen, industrial building, and every assembly room, shall be located on a lot of dimensions which in the opinion of the Board shall be adequate having regard to access to and exit from such buildings, parking space for vehicles, and access to highways and such other factors relating to the use, water supply, sanitation, safety and appearance of such buildings as it may deem relevant.

25. No detached building shall be built less than five feet from the side lines of the lot on which it is located, and no semi-detached building shall be built so as to have the exposed sides thereof less than five feet from the side lines of the lot.

26. Immediately behind every dwelling house there shall be a backyard extending across the entire width of the lot, the mean depth of which shall not be less than twelve feet measure from the rear of the house to the boundary line.

27. No building, except outhouses, sheds, stables, or garages shall have a frontage of less than twenty feet; provided that any semi-detached building may have a frontage of eighteen feet six inches if the lot on which it is erected is not less than twenty-feet in width.

28. It shall not be lawful to erect a dwelling, or convert any existing building for use as a dwelling at the rear of a dwelling fronting or abutting on a highway, unless such new or converted building also fronts or abuts on a highway, save and except where one side of such new or converted building fronts or abuts on a proposed highway, and the location of such proposed highway has been approved by an authority having power of approval.

29. (1) Except with the prior approval in writing of the Board no person shall construct any new street and the Board may require any person who intends to undertake such

construction to submit such plans, drawings and specifications as it may reasonably require for the purpose of giving such approval.

(2) Every such street shall be not less than forty feet in width and shall be of such greater width up to and including sixty six feet as the Council may prescribe.

30. No land shall hereafter be subdivided into two lots or more unless such subdivision shall first have been approved by the Council and the Council may demand such plans, drawings and specifications as may be deemed necessary to the consideration of an application for authority to subdivide land.

31. No room in a cellar of any building shall be occupied as a dwelling and no room in the basement of a building shall be occupied as a dwelling, unless such basement shall be well drained and dry, shall not be less than seven feet six inches in height from floor to ceiling, shall be lighted and ventilated at least on two sides, and shall have at least one third of its height above the highest level of the adjoining ground.

32. It shall be lawful to cover the roof of any building with material other than metal, slate, tile, asbestos, felt well covered with gravel, or other acceptable unflammable material.

33. (1) Except with the prior approval in writing of the Council, no person shall erect any building, excepting a fence, a well and its cover or a septic tank and its cover, at a distance less than fifty three feet from the center of the highway.

(2) Notwithstanding Paragraph (1) no person shall erect any building referred to in that paragraph at a distance of less than twenty feet from the street line of the lot.

34. Every building hereafter erected on any street shall have the side thereof fronting on the said street parallel, or as nearly as possible parallel, to the said street.

35. Every building shall have sufficient light and ventilation for the purpose of a room or the amount of window space to less than that required by these regulations.

36. No building shall hereafter be altered or arranged so as to reduce the size of a room or the amount of window space to less than that required by these regulations, or so as to create an additional room, unless such additional room is made to conform to the requirements of these regulations for rooms in buildings, except that such rooms may be of the same height as existing rooms in the same storey.

37. The height of any habitable room shall not be less than eight feet, except that the height of any bedroom shall not be less than seven feet six inches, and provided that for any bedroom situated in an attic where sloping ceilings occur, the height shall not be less than seven feet six inches over at least fifty per centum of the minimum required floor area.

38. (1) In every dwelling hereafter constructed, altered, repaired, or moved to be occupied by a family, there shall be at least four habitable rooms and no habitable room shall be less than eighty square feet in area or contain less than six hundred cubic feet.

(2) In every dwelling, there shall be at least one habitable room of not less than one hundred and twenty square feet in area.

(3) No dwelling shall contain less than an aggregate of six hundred square feet of habitable room area.

39. (1) The heights of any bathroom or water closet room shall not be less than seven feet.  
 (2) Every water closet room or individual water closet compartment shall be at least two feet six inches wide and shall have a gross floor area of at least eleven square feet.
40. The height of any assembly room shall not be less than two feet and not less than six square feet of floor area inclusive of aisles, but exclusive of stage, area shall be provided for each unit of seating capacity.
41. Every habitable room shall be provided with one or more windows opening directly on the street, yard or court.
42. (1) Every bathroom or water closet room in any dwelling unit that is located in any building containing more than two dwelling units shall be provided with one or more windows opening directly on a street, yard or court.  
 (2) Every other bathroom or water closet room, and every other accessory room of floor area greater than thirty-five square feet other than a private hallway or private stairway, shall be provided with one or more windows opening on a street, yard, court, or air wall, or with one or more skylights, or with artificial lighting and a system of mechanical ventilation.
43. Every assembly room shall be provided with artificial lighting and with a system of mechanical ventilation unless the space within such room exceeds one hundred and fifty cubic feet for every unit of seating capacity, and the requirements of these regulations with respect to habitable rooms are fulfilled.
44. The aggregate glass area of windows required by these regulations shall not be less than ten per centum of the floor area served by them.
45. (1) Every floor area used or intended for use as a place of assembly for one hundred or more persons, shall have direct access to not less than the number of exits indicated in the following tables:

**Tables**  
**Exits Required for Places of Assembly**

<b><u>Numbers of persons</u></b>	<b><u>Number of exits required</u></b>
100 to 600	2
600 to 1000	3
More than 1000	4

(2) When a permanent stage employing movable scenery is located in a place of assembly, such a stage and its appurtenant rooms and spaces shall have exits separate and apart from the assembly room exits. Each side of the stage shall have access to at least one exit; and useable space beneath a stage shall have direct access to at least one exit and means of access to at least one other exit; each fly gallery or gridiron shall be served by an approved stairway leading to the stage floor, each tier of dressing rooms shall be considered as a floor-

area, and shall be provided with at least two exits, one of which shall be independent of any stage exit.

(3) Every exit stairway to ramp, serving a theatre or motion picture theatre located in a building which contains other occupants shall be separate and independent from any stairway or ramp serving such other occupants.

(4) Every exit or stairway or ramp, leading from any balcony or gallery above the first balcony to the exterior of the building or to the main lobby, shall be separate and independent from any other stairway or ramp.

(5) Exits from a balcony or gallery in a place of assembly shall be so located that they may be reached by an ascent of not more than ten feet, or a descent of not more than six feet; and when exits from different levels in a gallery are provided, the difference shall not exceed twelve feet.

(6) In places of assembly occupied by more than one hundred and fifty persons, no required exit shall discharge by means of upward travel through a vertical distance of more than six feet.

46. Where a floor is required to have two exits, they shall be placed as remote from each other as practicable. When more than two exits are required they shall be distributed as uniformly as practicable throughout the space they are to serve.

47. Every required exit shall lead, either directly or through a required passageway or hallway, to a street or to an open space communicating with a street.

### **Relation of Occupants to Exits**

48. The number of persons used in determining the necessary exit facilities of any given floor shall be the actual number to occupy the floor, but in no case less than determined by dividing the following areas per person into the gross area in square feet serving the particular occupancy at the given floor level. For occupancies not listed hereunder the Council shall establish the ratio to be used.

### **Occupancy**

#### **Area Per Person Square Feet**

Dance Hall, Lodge Room,	15
Place of Assembly	
Stores: Street Floor and Sales Basement	30
Other Floors	60
Restaurants	40
Offices, Factories, Work Rooms	100
Hotels and Apartments	125
Institutional Buildings	150
Warehouses, Garages, Storage Buildings	300

In places of assembly, theatres, motion picture theatres, dance halls, lodge rooms and similar occupancies, when seating arrangements with fixed seats are used or contemplated, the seating capacity shall be established by allowing six square feet per person in that portion used for seating, including aisles but exceeding foyers, lobbies, toilets, and utility rooms.

The population of a mezzanine floor or balcony discharging onto a floor below shall be added to the population of the latter.

### **Widths of Exits**

49. (1) The clear widths of exits, stairways, passageways, ramps, and doorways, shall be expressed in units to twenty-two inches; and the least total number of such units required for any ground floor area shall be determined by dividing by fifty the population of any such floor as determined in accordance with the provisions of these regulations in the case of all types of hazardous industrial occupancies, institutional and residential buildings, and by one hundred in the case of other occupancies.

(2) For other floors the total number of such units required shall be determined by dividing by thirty the population of any such floor as determined in accordance with the provisions of these regulations in the case of all types of hazardous industrial occupancies, institutional and residential occupancy and by sixty in the case of other occupancies, except that in places of assembly above or below the ground floor this figure may be increased to one hundred when the exits lead directly to a street or exterior passageway and do not serve any other occupancy.

(3) Twelve inches or more of width when added to one or more full twenty two inch units may be considered as half a unit.

(4) The required aggregate exit width shall not be cumulative from storey to storey, but shall be cumulative on any one floor, but where one or more stairways feed into one passageway, such passageway shall have a minimum width based on the total passageway and doorway there from shall be increased in width as required for any tributary adjacent floor area.

50. The minimum unobstructed width, clear of handrails and guards, or any platform, balcony or stairway forming part of a fire escape shall not be less than twenty two inches.

51. (1) The minimum width of any interior passageway shall be thirty six inches.

(2) The minimum width of an exterior passageway shall be thirty six inches and in no case less than the sum of the required exit widths emptying into it from any building.

52. (1) No doorway forming part of any exit from a floor area of from a building shall have a width of less than thirty six inches; exit for bedridden patients shall be not less than forty eight inches wide, and provided further that where an exit such as a fire escape or a backstage stairway has a width of less than thirty six inches, such an exit may be served by a doorway not less wide and in no case less than thirty inches.

(2) Where a doorway is divided into two or more separate openings each opening shall be measured separately in computing the number of units of exit width, and minimum clear width of any such opening shall not be less than twenty eight inches.

(3) No single swinging door in an exit doorway shall exceed forty four inches in width.

(4) Notwithstanding the fact that doorways from rooms are not necessarily exit doors, every doorway providing access from a room occupied by more than thirty persons, shall conform to the requirements of this section in respect to width.

53. Treads and risers of required stairs shall be so proportioned that the sum of the width of tread, exclusive of nosing, and the height of rise, in inches shall not exceed seventeen and

one quarter inches, but risers shall not exceed seven and one eighth inches in height, and treads, exclusive of nosing, shall be not less than ten inches wide; provided that in schools, the proportions and dimensions of the treads and risers may, in the discretion of the Council be adjusted to suit the age of pupils for whom the school is intended. Treads and risers shall be of uniform width and height in any one flight. The use of winders is prohibited in required stairways.

54. No flights of stairs shall have a vertical rise of more than twelve feet between floors and landings; provided that flights of stairs serving as exits from assembly buildings shall have a vertical rise of not more than eight feet between floor or landings. The length and width of landings shall not be less than the width of stairways in which they occur; provided that, in a straight run, the distance between risers on a landing shall not be required to exceed forty four inches.

### Doorways

55. (1) The doors of exit doorways shall be so hung and arranged that when open they shall not diminish or obstruct the required width of the doorway, passageway, hallway, stairway, or other means of exit, by more than two inches for each twenty-two inch unit. Swinging doors in their swing shall not reduce the effective width of stairways or landings to less than thirty inches, nor shall they reduce the effective width of a passageway or hallway to less than the minimum width required.

(2) All doors in exit doorways shall open in the direction of exit travel, excepting door in residential occupancies and doors serving only a ground floor area of not more than fifteen hundred square feet; provided that this requirement shall not prohibit the use of doors swinging both inwards and outwards, nor of sliding door in stables, garages, or shipping and receiving rooms of business buildings and storage building.

(3) All doors, whether exit doors or not, which lead from rooms occupied by fifty or more persons shall be hung to swing in the direction of exit travel.

(4) No exit door shall open immediately on a flight of stairs, but shall open on a landing of which neither the length nor width shall be less than the width of such door. No riser of any flight of stairs shall be located within one floor of the jamb of any exit door.

56. Fastenings on any required exit door shall be such that the door may be readily opened from the inside without the use of keys provided that this requirement shall not apply to door of rooms where persons are under legal restraint. This requirement shall not prohibit the installation of locks on doors of floor areas, such locks to be used only when such spaces are not occupied by any person. Draw bolts or chains shall not be used on doors in places of assembly at any time. No entrance or exit doors serving a place of assembly shall be fastened while occupied in any manner except by self-releasing latches, panic bolts or similar devices which can be opened from the inside without the use of keys.

57. Every permit to erect an assembly room shall be subject to the approval of the Fire Commissioner in accordance with the powers vested in him under Section 5 of the Fire Prevention Act, 1954, the Act No. 28 of 1954.

## Chimneys

58. All chimneys and smoke flues shall be built of brick, concrete, stone, hollow tile of clay or concrete, concrete blocks, or reinforced concrete and shall be not less than four inches thick on all sides.

59. The area of flues shall be governed by the number of connections to these flues but shall not be less than fifty six square inches. In the case of any flue having several connections, such as in flate or apartment houses, the area of the flue in inches shall be equal to the number of connections to such flues multiplied by thirty six. It shall be unlawful to have more than four connections to the same flue.

60. (1) The back and sides of fire places shall be of solid masonry or reinforced concrete, not less than eight inches thick. A lining of fire brick at least two inches thick or other material approved by the Inspector shall be provided unless the thickness is twelve inches.

(2) Fireplaces shall have hearths of brick, stone, tile or other suitable non-combustible material supported on a fireproof slab or on brick trimmed arches. Such hearths shall extend at least eighteen inches outside of the chimney breast and not less than twelve inches beyond each side of the fireplace opening along the chimney breast. The combined thickness of hearth and a supporting construction shall be not less than six inches at any point.

(3) Wooden frames or centers used in the construction of that part of the supporting construction which is below the hearth of the fireplace shall be moved when the supporting construction of the hearth is completed.

(4) Chimneys shall be built upon concrete or solid masonry foundations; the footing for an exterior chimney shall start below the frost line, or up at a minimum depth of four feet.

61. No change in the size of the chimney, where the chimney passes through the roof, shall be made within a distance of six inches above or below the roof joists or rafters.

62. All chimneys shall be provided at their base with one opening per flue and an approved hinged soot door which shall be adequate for cleaning purposes in the opinion of the Inspector.

## Water Supply and Sanitary Facilities

63. (1) Every building intended for human occupation erected in the Town unless served by a common water and sewer system, shall be served by a well and by a septic tank or privy.

(2) a. No person shall within a Town (a) construct a privy or sewer system, septic tank or sewer, or (b) make or use a new water supply or system except under and in accordance with a permit in writing from the Council.

b. The Council shall not approve a permit under subsection 1 without the approval of an officer of government designated for that purpose.

64. Every well shall have a curb casing which shall be watertight for a depth or not less than twelve feet from normal ground level and no well shall be less than one hundred feet from any septic tank, cesspool, and cesspit, privy, barnyard or stable.



65. The casing of every well when made of tile or concrete pipe shall be carefully cemented with good cement mortar to assure watertight construction. All sections of pipe used must be free from cracks and flaws. If brick issued, the brick must be laid in cement mortar and the inside and outside surfaces of the wall must be plastered as the curb is constructed.

66. Every well shall have a watertight cover and the top of the well shall be at least twelve inches higher than the ground surface in such a manner that dripping and rain water will drain off readily.

67. No person shall build, construct, make or use any cesspit, cesspool, privy, septic tank, barnyard, or stable within one hundred feet of any well.

68. No person shall build, construct, make or use any cesspit, cesspool, privy, barnyard or stable within forty feet of any dwelling house, shop, school, or hall or other buildings used for public gatherings.

69. No person shall build, construct, make or use any cesspit, cesspool, privy, or septic tank in any barnyard other building, part of which is used for the housing cattle, poultry or any other animal or in any barn or building in which food or food products for animals or human consumption is stored or prepared.

70. (1) No person shall build, construct, make or use any privy, cesspit, cesspool, or septic tank in the basement of any dwelling home, church, school, shop or hall or any building used for human habitation or in which animals of any kind are housed.

(2) Every cesspit, cesspool, or privy shall be provided with a house or building directly enclosing such container or pit and such house or building shall have a floor space of not less than fifteen square feet and the rood at the nearest point to the floor shall not be less than six feet in height and shall be provided with a ventilator or stack, which shall reach from a point at least two inches below the level of the floor to a point at least one foot above the highest point of the roof and shall be covered with fine screen wire so as to exclude flies; and every such house or building shall be so constructed and walled with solid earth so that no opening is left between the floor and the surrounding earth.

(3) Every cesspit, cesspool, or privy shall be dug at least four feet into solid earth and the contents of such cesspit, cesspool, or privy shall not be allowed to reach to a point at least twelve inches below the level of the surrounding solid earth.

(4) Every cesspit, cesspool, or privy shall at all times be kept in a sanitary condition to the satisfaction of the Council. The floors and seats shall be scrubbed with soar and water at least once a week, the walls (inside) shall be limed at least twice a year, the outside walls shall be kept limed or painted, all doors shall be so fitted as to exclude flies and the contents of such container or pit shall be covered each day with lime or other lime substance approved by the Council.

71. (1) Whenever a street or common sewer is not available, any sanitary house sewer shall be connected to a private sewerage disposal system. Such system shall consist of a septic tank with a tile disposal field or other approved means of disposal.

(2) Any septic tank or other sewerage disposal tank shall be located outside and be separated from any wall of a dwelling house. Any disposal field or area shall be located as

far as possible from any dwelling and in no case shall disposal tiles be nearer at any point than ten feet to any dwelling.

(3) No sewerage disposal system shall be located that it is likely to contaminate any existing domestic water supply nor shall it be located under any roadway or traffic way.

72. The walls and floors of any septic tank or other sewage disposal tank shall be of substantial watertight construction.

73. No septic tank or other sewage disposal tank shall be less than four feet in depth, four feet in width and four feet in length below the invert of the outlet pipe and every such tank shall be provided with baffle plates or with inverted sanitary tee fittings so as to prevent any excess turbulence or disturbance of the scum. The outlet baffle or tee fittings shall extend not less than six inches above and fifteen inches below the water line. The inlet tee fitting or baffle shall extend several inches below the water line. The inlet tee fitting or baffle shall extend several inches above and ten to fifteen inches below the water level in the tank. The level of the outlet shall be one to two inches below that of the inlet.

74. Notwithstanding Regulation 73, the Council may by its consent given in writing, permit the installation of a septic tank or other sewage disposal tank, other than one which conforms to the specifications laid down in that Regulation, if it is satisfied that such septic tank is adequate to the purpose for which it is intended.

75. Ordinary field drainage tiles of a size not less than four inches shall be laid on a firm base of broken stone, gravel, or on tile supports and shall have a depth of cover not less than twelve inches or greater than twenty four inches. Open joints of one eighth to three eighths inches covered by tarred paper, broken tiles or other approved protection. The tile trench shall be backfilled with coarse sand, gravel, cinders or broken stone of particle size not greater than one half inch in any dimension, to a depth of six inches over the top and around the side of the tile, whenever the soil is less porous than coarse sand or gravel. Tiling shall not be laid under any roadway or traffic way.

76. The open joint tiling shall be laid at a small uniform down grade not exceeding two inches in one hundred feet.

77. Lateral branches of open joint tiling soil shall be not less than three feet apart and shall be connected to the liquid effluent pipe or to a header by sewer pipe branch fittings. Header pipe shall be of a quality equal to that required for house sewer pipes.

78. (1) No trailer, van, wagon or other portable object intended for use as a point from which food for human consumption are to be sold and having no permanent foundation and being supported on wheels, jacks or similar supports, used or so constructed as to permit it being used as a conveyance upon highways or streets and duly licensed under the Highway Traffic Act as such shall be parked in a stationary position on any highway for the purpose of selling food except in accordance with the terms and conditions of a permit issued by the Council.

(2) A permit issued under this Regulation may prescribe terms and conditions relating to any such trailer, van, wagon or other portable object having regard to the following conditions;

- a. Suitability of appearance.
- b. Location and safety in relation to highway.
- c. Evidence of approval, where required of the Minister of Health; and may prescribe the length of time or the season, during which such trailer, van, wagon, or other portable object may remain in a stationary position.

(3) Any such trailer, van, wagon, or other portable object as described in Paragraph (1) of this Regulation but not being licensable under the Highway Traffic Act shall be deemed to be a building within the meaning of the regulations.

79. Notwithstanding anything contained in these regulations the Council may refuse to grant any permit or approval to do as in order to give affect to the purpose of these regulations.

80. Any person, who fails to comply with any of the provisions of these regulations or any orders made there under, is guilty of an offense and liable to a penalty.

(1) Every person on who an order made under Section 210 has been served who refuses or fails to comply with the order is guilty of an offence and liable on summary conviction to a fine not less than twenty five dollars for every day of refusal or failure to comply, and in default of payment to a period of imprisonment not exceeding three weeks.

(2) Every person who is guilty of an offence for which no other penalty is provided in this part is liable on summary conviction to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding twelve months of to both such fine and imprisonment.

81. All building permits shall expire on the 31<sup>st</sup> day of December of each year.

82. These regulations shall come into effect on the day of and may be cited as the Town of Whitbourne, Building Regulations, 1981.

## Water & Sewer Regulations

1. **Interpretation:** In these regulations unless the context otherwise requires:
  - a. “*Act*” means the Municipalities Act;
  - b. “*Town*” means the Town of Whitbourne as defined by Order in Council dated the 16<sup>th</sup> day of April, 1968 or any amendments thereto, made or continued under the Act.
  - c. “*Council*” means the Town Council of the Town of Whitbourne.
  - d. “*System*” means the public water supply and sewerage system of the Town Council of Whitbourne as the owner and operator of plant and equipment for the production, transmission, delivery or furnishing of water to or for this public, and for the conveyance and disposal of sewage.
  - e. “*Customer*” means any person, firm or corporation who or which contracts to be supplied with water or the disposal of sewage from the system.
  - f. “*Domestic Service*” means the type of service supplied to the owner or his authorized agent or to the occupant or tenant of any space or area occupied for the distinct purpose of a dwelling house, rooming house, apartment or flat.
  - g. “*Commercial Service*” means any service other than domestic herein defined.
  
2. **Contracts:** No water or sewerage service shall be provided by the system until a regular application form therefore has been signed by the prospective customer.
  
3. **Life of Contract:** Standard contracts shall be for a period of one year and thereafter shall be self renewing from month to month expiring on one month’s notice in writing to either party.
  
4. **New Installation:** The cost of any new installation shall be paid by the customer before the water is turned on from the main and the sewerage connection completed.
  - a. The cost of any new installation shall be paid by the customer before the water is turned on from the main and the sewerage connection completed.
  - b. No prospective customer shall have his home connected to the system unless such customer is not in arrears of taxes.
  - c. No commercial establishment or enterprise shall be connected to the system unless each establishment or enterprise is not in arrears of taxes.
  
5. **Reconnection:**
  - a. Any householder who asks to be disconnected from the system shall not be reconnected until any arrears of water and sewer rates are paid.
  - b. Any commercial establishment or enterprise which requests disconnection from the system shall not be reconnected until any arrears of water and sewer are paid.

6. **Payment of Bills:** A bill for water and sewer rates shall be rendered to each customer once a year. Customers are required to pay for these services on a monthly basis.
7. **Refusal or Suspension of Services for Non-Payment of Bills:** The Council shall have the right to refuse or suspend service from the system to customers whose bills for water rates, sewerage rates remain unpaid for more than ninety days.
8. **Access to Customers Premises:** Representatives of the Council shall have the right of access to all parts of a customer's property or premises at all reasonable hours for the purpose of inspecting any water or sewer pipes or fittings or appliances, and the Council shall have the right to suspend service to any customer who refuses such access.
9. **Improper Use of Waste or Water:** No customer shall permit the improper use or waste of water nor shall he sell or give water to any person except under such conditions and for such purpose as may be approved by the Council in writing.
10. **Repairs to Services:** If a leak or trouble occurs in a service pipe it shall be repaired as soon as possible. If the leak or trouble occurs between the main and curb stop inclusive, it shall be repaired by the Council at its expense. If the leak or trouble occurs elsewhere on the service pipe it shall be repaired at the customer's expense. The Council may make such repairs for any customer when requested to do so, and the customer shall pay the cost of repairs before the water is turned on. If a leak occurs on the customer's portion of the service pipe, the Council may discontinue the supply of water to such service pipe, if, in its opinion, such action is necessary in order to prevent wastage of water. The Council shall notify the customer affected of its intention to discontinue the water supply.
11. **Thawing of Service Pipes:** If freezing occurs in a service pipe it shall be thawed as soon as possible. If freezing occurs between the main and the curb stop it shall be thawed by the Council at its expense. If freezing occurs elsewhere in the service pipe it shall be the responsibility of the customer. The Council may thaw such service pipe for any customer when requested to do so, and any charge made to the Council for the thawing of service pipes shall be paid by the customer before work is commenced.
12. **Interference with the System:** No person, unless authorized by Council, shall draw water from, open, close, cut, break, obstruct from free access to, or in any way injure or interfere with any hydrant, water main, water pipe, stop cock, or other part of the system provided, however, that nothing contained in these regulations shall be deemed to prevent and officer or member of the Fire Department, when engaged in the work of such department, from using any hydrant or any other part of the system.

13. Pursuant to Section 443 of the Act, every person who contravenes or fails to comply with any of the provisions of these regulations is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment to a period of imprisonment not exceeding ninety days or to both such fine and period of imprisonment.

14. All previous Water and Sewer Regulations of the Town of Whitbourne are here repealed.