



PATIO 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. Bra

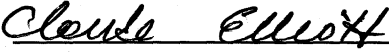
TOWN CLERK

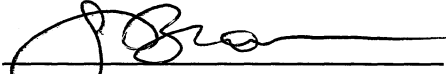
Town of Gander Patio Regulations

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 Patio 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

PATIO REGULATIONS

1. Title

These Regulations may be cited as the Town of Gander Patio Regulations.

2. Definitions

- a) "Balcony" means a platform, projecting from the face of a wall of a building, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing;
- b) "Deck" means
 - i. A structure abutting a dwelling with no roof or walls except visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area;
 - ii. A structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground, the floor of which is greater than 0.6 metres above finished grade, and which is designed and intended for use as a sundeck, but shall not include a landing or stair;
 - iii. "Patio" means a surfaced, open space of land at grade adjacent to a residential dwelling unit or mini home or mobile home which is used as an extension to the interior of the home for private or semi-private entertainment or leisure activities;

Town of Gander Patio Regulations

- c) As per Schedule "A" of the Town of Gander's Development Regulations.

3. Application

- a) A Building Permit is required if you plan to construct a patio, deck, or balcony;
- b) Building Permit fees are as follows:
 - i. Minor Construction (under \$20,000 value) \$1.00 for each \$1000.00 construction value with a minimum charge of \$10.00;
 - ii. Major Construction (over \$20,000 value) \$2.00 for each \$1000.00 construction value. Fee to be paid upon receipt of application.

4. General Information

Patios, decks and balconies shall be permitted subject to the following conditions:

- a) Any stairs or steps providing ground level access to a deck or balcony shall maintain a minimum front yard setback of 5.0 m and a side yard and rear yard of 1.0 m.;
- b) A patio shall meet the following standards:
 - i. Minimum front yard of 6.0 m provided the patio does not encroach upon or reduce the number of off street parking spaces required for the residential use;
 - ii. Minimum side yard of 1.5 m *;
 - iii. Minimum rear yard of 1.5 m *;
 - iv. Maximum height of 0.6 m above ground level;
- c) A deck shall meet the following standards:
 - i. Minimum front yard of 6.0 m *;
 - ii. Minimum side yard of 1.5 m *;
 - iii. Minimum rear yard of 1.5 m, unless otherwise determined by Council *;
 - iv. Height: 0.6 m or greater above the established grade, but not higher than the first floor of the dwelling (higher is considered balcony).
- c) A balcony shall meet the following standards:
 - i. Minimum side yard of 2.0 m *;
 - ii. Minimum rear yard of 1.5 m *.

* At no time shall a patio, deck or balcony encroach onto an easement.

Town of Gander Patio Regulations

- d) Building permits are required for all such structures. All structures being erected in conjunction with new home construction must meet the requirements of the National Building Code.
 - i. Structural aspects of decks and balconies are to be designed using the same load tables for residential housing. Posts are to be full width of the supported member and are to be not less than 89 mm x 89 mm for decks and 140 mm X 140 mm for balconies, unless calculations are provided to show lesser sizes are adequate;
 - ii. If a patio, deck or balcony is fastened to the dwelling, the entire structure must be provided with frost protection;
 - iii. All stairs, guards and handrails must meet the requirements of current National Building Code of Canada.

5. Guard Heights

- i. Deck up to 1800 mm from ground – 900 mm;
- ii. Deck over 1800 mm from ground – 1070 mm.

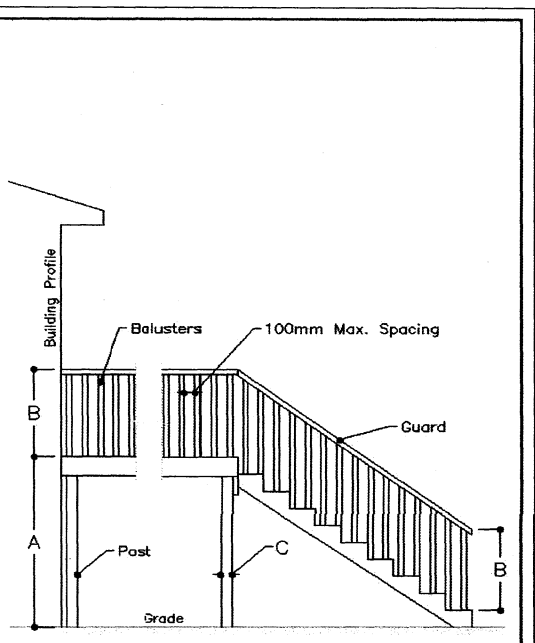
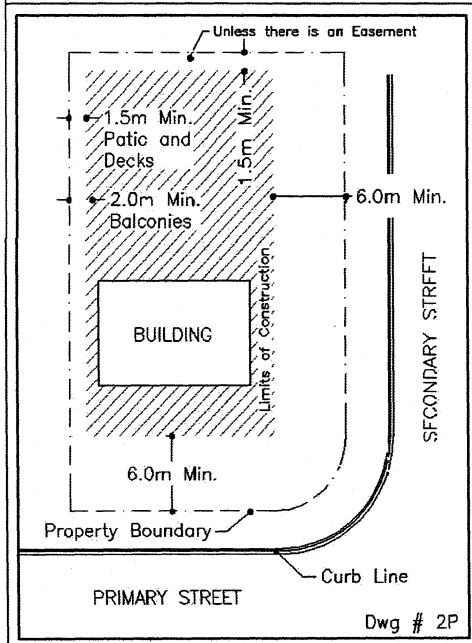
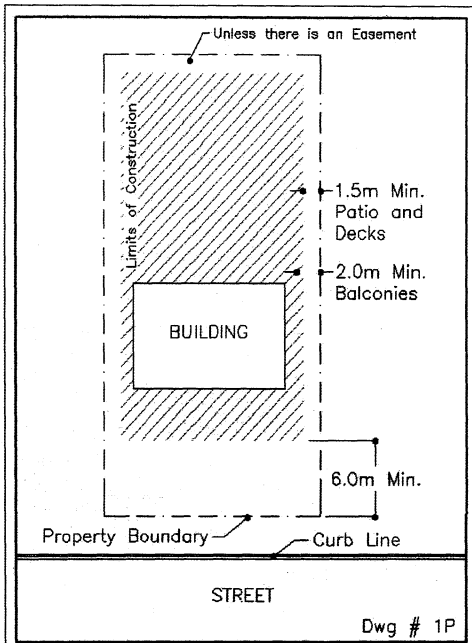
6. Handrails (measured vertically from nosing to top of handrail)

865 mm minimum, 965 mm maximum

7. Openings in Guards

100 mm maximum

Town of Gander Patio Regulations



A	B	C
Up to 0.6m	Not Required	89x89mm
0.6 to 1.8m	900mm	89x89mm
Greater than 1.8m	1070mm	140x140mm

A - Height of Patio, Deck or Balcony
 B - Minimum Height of Guard
 C - Minimum Post Size

Town of Gander Patio Regulations

8. 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 8 (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;
- 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;

Town of Gander Patio Regulations

- iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

9. 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 8 (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.

10. 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
 - 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;

Town of Gander Patio Regulations

11. 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.

12. Repeal

All previous Patio Regulations thereto, are hereby repealed.