



PATIOS FOR TOWN OWNED PARKING LOTS 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

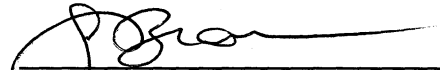
Town of Gander Patios for Town Owned Parking Lots Regulations

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 Patios for Town Owned Parking Lots 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

PATIOS FOR TOWN OWNED PARKING LOTS REGULATIONS

1. **Title**
These regulations may be cited as the Town of Gander Patios for Town Owned Parking Lots Regulations.

2. **Definitions**
 - a) "Act" means the Municipalities Act, 1999 SNL Chapter M-24 as amended;
 - b) "Council" means the Town Council of Gander;
 - c) "Enforcement Authority" means Council or its authorized administrator;
 - d) As per Schedule "A" of the Town of Gander Gander's Development Regulations.

3. **Application**
In an effort to have a consistent look for all businesses in Block 2 and Block 5 of the Town Owned Parking Lots these regulations shall be applied to patios constructed in these parking lots.

4. General Information

- a) A building permit is required for construction of a patio;
- b) Application for a building permit shall be made at the Town Office;
- c) Building Permit fee:
 - i. \$5.00 for each \$1000.00 of construction value with a minimum charge of \$10.00. The fee is to be paid upon receipt of application;
 - ii. Sufficient time should be allotted for processing of the Building Permit application and review of submitted drawings, normally 3-4 weeks.
- d) Permits will be of a temporary nature (June 1st – September 30th) and shall be reapplied for each year;
- e) Government Service Centre approval is required prior to the issuance of the permit;
- f) Patio shall extend 400 mm from the front wall of the existing buildings in Block 2 and 250 mm from the rear wall of the existing buildings in Block 5;
- g) Decking of patio shall be elevated 150 mm above the sidewalk thereby maintaining a consistent patio height across the front of the strip building;
- h) Construction shall consist of pre-treated lumber (or equivalent);
- i) Shall meet Newfoundland Liquor Corporation Standards (if licensed facility);
- j) Shall meet all requirements of the National Building and Fire Codes;
- k) If adjacent to an existing patio, the design and construction shall be complementary to and continuous with others;
- l) Fencing or enclosure modified to meet Newfoundland Liquor Corporation Standards and pre-treated wooden construction or approved equivalent or alternative.

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 6 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;
 - 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
 - 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 Patios for Town Owned Parking Lots Regulations for the Town of Gander are hereby repealed.