

**REPEALED BY THE NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008
JANUARY 23, 2008
(effective November 1, 2008)**

CONSOLIDATION UPDATE: MAY 14, 2008

THE CITY OF WINNIPEG

**UNSIGHTLY PREMISES BY-LAW
NO. 8151/2002**

**A By-law OF THE CITY OF WINNIPEG to
regulate buildings and premises in the
interests of developing safe, orderly, viable,
and sustainable communities.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Title

1. This By-law shall be referred to as the **"Unsightly Premises By-law"**.

Definitions

2. In this By-law

"Designated employee" means the Director of Community Services or the Director of Planning, Property and Development for the City of Winnipeg or an employee of the City to whom either of the Directors has delegated the authority to enforce or implement all or part of this By-law.

"turf" means a layer of grass, whether planted or not, but does not include ornamental grasses that have been planted;

added 102/2008

"Unsightly", when applied to a building or premises, means buildings or premises that fail to comply with the standards set out in Schedule "A".

Standards for land and buildings

- 3.1 The owner and occupant of buildings and premises must maintain the buildings and premises so that they are not unsightly.

3.2 The owner and occupant of buildings and premises must maintain the buildings and premises so that they do not substantially depreciate the value of other land and buildings in the vicinity.

Powers of designated employees

4. The designated employees and their delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

Compliance orders

5.1 Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.

5.2 Where an address for service must be determined, it shall be done as follows:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property may be used; and
- (b) if the person to be served is the occupant of real property, the street address for that property may be used.

Appeal

6(1) Subject to this section, an appeal from an order to remedy a contravention of this By-law may be made in accordance with *The City of Winnipeg Charter* to the Standing Policy Committee on Property and Development.

6(2) An appeal from an order to remedy a contravention of clause 5(1)(c) and subsection 5(2) of Schedule A may be made in accordance with *The City of Winnipeg Charter* to a hearing body consisting of the following individuals:

- (a) the Chief Administrative Officer of the City;
 - (b) the Chief Financial Officer of the City;
 - (c) the Director of Planning, Property and Development of the City; and
 - (d) the Director of Water and Waste of the City;
- or their delegates.

6(3) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body referred to in subsection (2) and the Chief Financial Officer of the City or his or her designate shall be the vice-chairperson.

6(4) The hearing body referred to in subsection (1) shall sit in panels of three members selected by the chairperson.

6(5) Sections 54.10 and 54.11 of the Procedure By-law apply to hearings conducted under this section and the hearing body may adopt other rules of practice and procedure.

Administration fee for appeals

6.1(1) Subject to subsections (2) and (3), an administration fee of \$250.00 is hereby imposed for an appeal made under section 6.

6.1(2) An appeal may not be accepted by the City Clerk until the fee imposed by subsection (1) has been paid to the City Clerk.

6.1(3) The appeal body hearing the appeal may order the administration fee referred to in subsection (1) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Monetary penalty imposed

6.2(1) A monetary penalty in the amount of \$100.00 is hereby imposed on the owner or occupant of a property who fails to comply with an order to remedy a contravention of clause 5(1)(c) and subsection 5(2) of Schedule A.

6.2(2) The monetary penalty imposed by subsection (1) is in addition to a fine or imprisonment imposed for a contravention of this By-law and is in addition to the costs of the actions or measures taken by the City of Winnipeg pursuant to subsection 185(1) of *The City of Winnipeg Charter* that are added to the real property taxes on the property.

Repeal of By-law No. 762/74

7. By-law No. 762/74 is hereby repealed.

Coming in Force

8. This by-law comes into force on January 1, 2003.

DONE AND PASSED in Council assembled, this 11th day of December, A.D., 2002.

SCHEDULE A

amended 116/2003

STANDARDS FOR BUILDINGS AND PREMISES

Exterior walls

- 1 Exterior walls of buildings must be maintained in good repair and, in particular:
 - (a) they must be protected against deterioration maintaining the walls, coping or flashing, or by the application of a protective surface;
 - (b) wood surfaces must be adequately protected against deterioration through the periodic application of appropriate protective coatings, such as paint, varnish, stucco, brick or stone facing, wood or asphalt shingle or siding;
 - (c) the paint on more than 25% percent of the area of any painted plane or wall must not be blistered, cracked, flaked, scaled, or chalked away;
 - (d) the mortar of any masonry or stone wall must not be loose or have fallen out.

Roofs

- 2(1) Roofs must be kept in good repair.
- 2(2) Loose or unsecured objects, including dangerous accumulations of snow or ice or both, must be removed from the roof of a building.
- 2(3) Roof drainage or surface drainage must be controlled in order to eliminate or minimize any effects on:
 - (e) neighbouring property so as not to cause dampness in the walls, ceilings or floors of any portion of any adjacent building; or
 - (f) neighbouring or public sidewalks or stairs so as not to create a hazardous condition; or
 - (g) neighbouring property thereby causing noticeable ponding or ground erosion.
- 2(4) Eavestroughing and downspouts must be watertight and maintained in good repair.

Foundations

3 Every foundation wall forming part of a dwelling must be maintained in good repair and structurally sound so as to prevent undue settlement of the building.

Porches and entrances

4(1) Every porch and entrance to a building must be maintained in good repair so that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.

4(2) All exterior steps must be kept in good repair so as to afford safe passage under normal use and weather conditions and protected against deterioration by the application of appropriate protective coating if of wood construction.

Grounds

5(1) Premises must be kept free and clean from:

- (a) rubbish, garbage, junk and other debris;
- (b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused trailers and other machinery or any parts thereof;
amended 41/2005
- (c) excessive growth of weeds or grass; and
- (d) objects and conditions, including holes and excavations, that are health, fire or accident hazards.

5(2) Other than on properties zoned for agricultural grazing and feeding and agricultural cultivation, turf must be kept trimmed to a maximum length of 15 cm (6 inches).
amended 102/2008

5(3) The yard must be graded in such a manner so as to prevent:

- (a) excessive or reoccurring ponding of water; or
- (b) excessive dampness from occurring in buildings on or adjacent to the yard; or
- (c) any hazardous condition from being created on any private or public walkway.

Walks, driveways and parking spaces

- 6(1) A walk must be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street.
- 6(2) Every walk, driveway and parking space must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained so as to afford safe passage under normal use and weather conditions.

Fences and accessory buildings

- 7(1) All fences must be kept:
- (a) weather resistant by the application of appropriate materials, including paint and preservatives; and
 - (b) in good repair; and
 - (c) free from health, fire and accident hazards.