THE CITY OF WINNIPEG

BY-LAW NO. 79/2010

A By-law of THE CITY OF WINNIPEG to regulate the condition of vacant buildings and to discourage the boarding of vacant buildings

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

Short title

1 This By-law may be cited as the Vacant Buildings By-law.

Definitions and interpretation

2(1) In this By-law

"additional permit" means an Additional Boarded Building Permit approved by the Designated Committee under section 10;

"areaway" has the same meaning as in the Winnipeg Building By-law;

"boarded", in relation to a building, means a vacant building in which any door, window or other opening has been covered for more than 7 days by affixing wood, metal or some other material over it to prevent entry;

"building" means any structure that has been used or is intended to be used to support or shelter any use or occupancy;

"commercial building" means any building that is not a residential building;

"Designated Committee" means the Standing Policy Committee on Property and Development;

"designated employee" means the Chief Administrative Officer of the City and any employee of the City to whom he or she has delegated an authority or duty granted or imposed under this By-law;

"enforcement officer" means an employee of the City who has been authorized to exercise some or all of the powers of enforcement under this By-law;

"fire protection system" includes any fire alarm system, sprinkler system or standpipe system or one or more private hydrants;

"occupancy certificate" means an occupancy certificate issued under section 13;

"owner" includes a person responsible for real property and any person

(a) managing a building, whether on his or her own account or as agent or trustee of any other person;

(b) who would receive the rent for the building if the building were rented;

(c) who, despite having sold the real property under an agreement for sale, has paid any real property taxes on the property after the effective date of the agreement;

(d) for the time being receiving installments of the purchase price of a property sold under an agreement for sale whether on his or her own account or as an agent or trustee of any other person; or

(e) who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale;

"permit" means a Boarded Building Permit provided for in this By-law;

"residential building" means

(a) a building that has been designed for or has been used for residential occupancies by

(i) one or two families only; or

(ii) one family together with some other occupancy; or

(b) a Division II building as defined in the Residential Buildings Fire Safety By-law No. 4304/86;

"Schedule", unless otherwise noted, means one of the Schedules that is attached to and forms part of this By-law;

"vacant", in relation to a building, means a building that is not being used or occupied.

Clarification of "use" or "occupancy"
2(2) For the purposes of this By-law, a building is not being used or occupied solely by reason of

(a) the presence of individuals in the building without the consent of the owner;

(b) the existence of equipment or stock in trade within a building or the occasional operation of such equipment; or

(c) the presence of individuals in the building or their use of the building in violation of:

(i) section 16 (*Order prohibiting use or occupancy)*;

(ii) a health hazard order issued under *The Public Health Act*; or

(iii) another order issued under an Act or by-law prohibiting the occupancy or use of the building.

Division 1
Maintenance of Vacant Buildings

Maintenance of vacant buildings
3 The owner of a vacant building must maintain it in compliance with the standards set out in Schedule “A”.

Fire Safety Plan mandatory for certain buildings
4(1) The owner of

(a) a building to which Part 3 of the Manitoba Building Code applies; or

(b) a building to which Part 9 of the Manitoba Building Code applies and in which a fire alarm system or a sprinkler system has been installed

must file a Fire Safety Plan with the Designated Employee within 60 days of the building becoming vacant.

Contents of Fire Safety Plan
4(2) A Fire Safety Plan required under subsection (1) must:

(a) describe the building, including details such as the square footage, number of stories, the basic floor plans for each floor and type of previous occupancies;

(b) identify the fire protection systems in the building as well as the location of fire department connections and hydrants;

(c) identify access routes and building openings for firefighters and their equipment and specific actions necessary to maintain such access;

(d) provide names and telephone numbers of persons responsible for the building or its maintenance, as well as contact names and numbers for emergency purposes; and

(e) specify the actions the owner proposes to take to ensure compliance with this By-law, other applicable by-laws and other applicable legislation or regulations;

Securing vacant buildings
5 The owner of a vacant building must ensure that the building is secure from unauthorized entry by one of the following methods:

(a) securing it conventionally in compliance with Part I of Schedule “B”; or

(b) boarding it in compliance with Part II of Schedule “B”.

Division 2
Boarded Buildings

Boarded Building Permit required
6(1) Unless a Boarded Building Exemption Certificate has been issued under section 11, the owner of a boarded building must

(a) comply fully with Part II of Schedule "B"; and

(b) obtain a Boarded Building Permit as provided for in this By-law.

Clarification
6(2) For greater certainty, the owner of a vacant building must not allow it to be boarded unless a Boarded Building Permit or a Boarded Building Exemption Certificate applies to the building and the building complies with Part II of Schedule B. If a Boarded Building Permit or Exemption Certificate has not been issued in respect of the building or has expired, the owner of the vacant building must secure it in compliance with Part 1 of Schedule B.

Permit requirements
7 In order to obtain a Boarded Building Permit, an owner must

(a) when applying for a Boarded Building Permit, provide an address for service of notices and orders during the period that the permit is valid and thereafter, provide prompt notice of any change in the address given for service; and

(b) pay any application or permit fee established by Council in respect of the permit.

Boarded Building Permit for commercial buildings
8 Upon payment of permit fees established by Council, the owner of a commercial building may obtain an unlimited number of Boarded Building Permits for that building, each being valid for a period of one year after being issued. The permit is automatically transferred to the next owner of the building.

Boarded Building Permit for residential buildings
9(1) Subject to this Division and upon payment of a permit fee established by Council, the owner of a vacant residential building is entitled to obtain a single Boarded Building Permit for the building, valid for a period of one year from the date it is issued. The permit is automatically transferred to the next owner of the building.

No additional permit without Designated Committee approval or occupancy certificate
9(2) Once a Boarded Building Permit has been issued in respect of a residential building, no additional permit may be issued in respect of the building until and unless:

(a) the Designated Committee has approved an additional Boarded Building Permit to be issued under section 10; or

(b) an occupancy certificate has been issued in respect of the building under section 13.

Partial refund of permit fee
9(3) The current owner of the residential building is entitled to a partial refund of the permit fee referred to in subsections (1) or (2) in an amount established by Council if the building is brought

into compliance with Schedule A and Part I of Schedule B before the expiration of the Boarded Building Permit. Fees or penalties imposed on the owner pursuant to this or another By-law are to be deducted from any refund paid.

Designated Committee may order additional permit be issued
10(1) Upon application by an owner whose vacant residential building has been issued a permit under section 7, and payment of any application fee established by Council, the Designated Committee may direct a designated employee to issue one or more additional permits in respect of the building.

Criteria for additional permit
10(2) In determining whether to approve an additional permit, the Designated Committee must take into account

(a) the impact of the boarded building on adjacent buildings and the surrounding neighbourhood;

(b) the viability and credibility of the owner's plans to bring the building into compliance and maintain it thereafter in compliance with this By-law and other by-laws;

(c) the likelihood that the building will be re-occupied in the future; and

(d) the owner's record of compliance or non-compliance with this By-law and other by-laws of the City at the subject property and elsewhere.

Conditions on additional permit
10(3) In approving the issuance of an additional boarded building permit, the Designated Committee may require that any conditions it considers reasonable are imposed on the additional permit. The additional permit may be cancelled by an enforcement officer who concludes that the conditions imposed on it have not been met or have been breached.

Additional permit fee
10(4) An additional boarded building permit issued under this section is conditional upon payment by the owner of the building of any permit fee established by Council.

Exemption from Permit for legitimate construction
11(1) The owner of a vacant building that is being constructed or renovated is not required to obtain a Boarded Building Permit under subsection 6(1) and is entitled instead, upon application, to be issued a Boarded Building Exemption Certificate which authorizes the boarding at no charge if the designated employee determines that:

(a) boarding is reasonably required in order to permit construction of or renovation of, in or on the building to take place;

(b) an application for a building permit in respect of the construction or renovation was made before the building was boarded; and

(c) the construction or renovation is likely to proceed at a reasonable pace to the point where the boards can be removed.

Clarification of exemption
11(2) Notwithstanding subsection (1), where the designated employee determines that boarding of the vacant building is no longer reasonably required in order to permit construction or renovation or if the designated employee determines that the construction or renovation is not proceeding at a reasonable pace, the designated employee shall revoke the boarded building exemption certificate, at which point the owner of the vacant boarded building must either

(a) obtain a Boarded Building Permit; or

(b) remove the boards and secure it in compliance with Part 1 of Schedule B.

Multiple exemption certificates
11(3) Where a boarded building exemption certificate has expired, the designated employee may issue an additional certificate if he or she determines that:

(a) boarding is reasonably required in order to permit construction of or renovation of, in or on the building to take place;

(b) the construction or renovation is likely to proceed at a reasonable pace to the point where the boards can be removed; and

(c) in the case of a construction or renovation project that is not a continuation of the construction or renovation for which the initial certificate was issued, an application for a building permit in respect of the construction or renovation was made before the building was boarded; or

(d) in the case of a construction or renovation project that is a continuation of the construction or renovation for which the initial certificate was issued, the continued boarding is not due to delays reasonably attributable to the owner.

Division 3
Occupancy Certificates

Occupancy certificates mandatory for certain vacant residential buildings
12 The owner must not permit any of the following vacant residential buildings to be occupied until an enforcement officer has issued an Occupancy Certificate in respect of the building:

(a) a building that has been boarded, unless the boarding is the subject of a Boarded Building Exemption Certificate;

(b) a building concerning which an order under subsection 16 (*Order prohibiting use or occupancy*) has been issued.

Occupancy certificates for owner-occupied residential building
13(1) Subject to this section, upon application by the owner of the vacant building and payment of any fee established by Council, an enforcement officer may issue an Occupancy Certificate if the residential building meets the standards and requirements applicable to that building that are set out in

(a) Schedules A and C;

(b) the Winnipeg Building By-law;

(c) other relevant statutes, regulations and by-laws.

Occupancy certificates for rental properties
13(2) Subject to this section but notwithstanding subsection (1), upon application by the owner of a vacant building any part of which will be rented to a tenant and upon payment of any fee established by Council, an enforcement officer may issue an Occupancy Certificate if the rental residential building meets the standards and requirements applicable to that building that are set out in

(a) Parts 1 and 2 of the Neighbourhood Liveability By-law;

(b) the Winnipeg Building By-law;

(c) other relevant statutes, regulations and by-laws.

No occupancy certificate if building placarded
13(3) Notwithstanding subsections (1) and (2), an enforcement officer may not issue an occupancy certificate if the building is the subject of a health hazard order issued under *The Public Health Act* which requires the building to be vacated.

No fee for licenced converted residential dwellings
13(4) Notwithstanding subsection (1), where a vacant converted residential dwelling is given a licence under the Doing Business in Winnipeg By-law after being inspected under that By-law, no fee is payable by the owner for an Occupancy Certificate issued for the building.

Division 4
Enforcement

Designated employees and enforcement officers
14 Designated employees and enforcement officers 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 and to the extent that they have been given this authority, have the powers of a designated employee under *The City of Winnipeg Charter*.

Inspections of exterior of vacant building without notice
15(1) An enforcement officer may enter onto land without notice to and without the consent of the owner in order to inspect a building that is boarded or appears to be vacant in order to determine

(a) whether the building is vacant; and

(b) whether the building complies with this by-law.

Regular "Schedule A" inspections of vacant buildings
15(2) In addition to any other inspections of a vacant building to enforce or administer this by-law, enforcement officers are authorized to conduct full inspections of the exterior and interior of a vacant building to determine compliance with Schedule A of this By-law. The owner must pay any inspection fee established by Council for this inspection. This fee is not payable in respect of one building more than once each calendar year.

Order prohibiting use or occupancy
16(1) In addition to any other order issued under this By-law but subject to subsection (2), where a vacant building does not meet the standards and requirements referred to in subsections 13(1) or 13(2), an enforcement officer may issue an order to the owner of the building prohibiting the use or occupancy of the building until an Occupancy Certificate has been issued in respect of the building.

Limitation on Order prohibiting use or occupancy
16(2) An order prohibiting the use or occupancy of a vacant building under subsection (1) must not be issued solely on the basis that the gas supply, electricity supply or water supply to the building has been cut off.

Order re. boarded building
17(1) In addition to any other order issued under this By-law, where a vacant building is boarded but lacks a permit, an enforcement officer may issue an order requiring the owner within 14 days either to obtain a permit or bring the building into compliance with Part I of Schedule "B".

Authority of designated employee to take out permit for owner
17(2) Without restricting the enforcement authority delegated to enforcement officers by this By-law, in order to enforce the order issued under subsection (1), enforcement officers may exercise the authority granted to the City under subsection 185(1) of *The City of Winnipeg Charter* by taking out a Boarded Building Permit on behalf of the owner of a vacant boarded building. The costs of this action, including a penalty imposed under section 20 and any administrative fees established by Council, may be added to real property taxes of the owner pursuant to subsection 187(1) of *The City of Winnipeg Charter*.

Securing vacant building
18(1) Whereas a vacant building that is not in compliance with section 4 of this By-law constitutes an emergency that affects or could affect the health or safety of persons and whereas it would be impractical or impossible to comply with the requirements for notice set out in *The City of Winnipeg Charter* before taking action to remedy the non-compliance, an enforcement officer is hereby authorized to take whatever actions or measures are necessary to meet the emergency and to eliminate or reduce its effects, including taking immediate action to secure a vacant building without first notifying or obtaining the consent of the owner of the vacant building so long as the owner is subsequently notified in accordance with subsection (3).

Entry prior to securing vacant building
18(2) Where an enforcement officer takes immediate action to secure a vacant building under subsection (1), he or she may, without notice to the owner, enter the interior of the building before securing the building to ensure that no individuals or animals would be trapped inside the building after it has been secured.

Notice to owner
18(3) Where an enforcement officer secures a vacant building under subsection (1), notice of such action shall be sent to the owner of the vacant building by ordinary mail forthwith.

Obligation of owner
18(4) Within 10 days of the notice having been mailed under subsection (3), the owner of the vacant building must take any steps necessary to bring the building into compliance with section 5 of this Bylaw.

Penalties for non-compliance with Order
19(1) Subject to this section, the owner of a vacant building who fails to comply with this By-law or an order issued under this By-law is guilty of an offence and is subject to the following penalties:

(a) for a first offence, to a minimum fine of $500.00;

(b) for a second offence, to a minimum fine of $1,000.00;

(c) for a third and each subsequent offence, to a minimum fine of $2,000.00.

Clarification of subsection (1)
19(2) For the purposes of subsection (1), it is irrelevant if a second or subsequent offence is committed in respect of a different building than the building in respect of which the first offence was committed.

Penalty for failing to obtain permit
19(3) Notwithstanding subsection (1), the owner of a vacant building who lacks a valid permit for a boarded building is guilty of an offence and is subject to a minimum fine of $2,000.00.

Obligation to obtain permit
19(4) A conviction and payment of a fine under subsection (3) does not excuse a person from the obligation to obtain a permit for a boarded building.

Penalty for failing to pay inspection fee
19(5) Notwithstanding subsection (1), the owner of a vacant building who fails to pay an inspection fee applicable for a Schedule A inspection under section 15(2) is guilty of an offence and is subject to a minimum fine in the amount of double the applicable fee.

Monetary penalty imposed
20 A monetary penalty in the amount of $1000.00 is hereby imposed on the owner of a vacant building who lacks a valid permit for a boarded building. The monetary penalty is in addition to a fine or imprisonment imposed for a contravention of this By-law.

Division 5
Administration

Address for service
21 Where it is necessary to determine an address for sending or delivering an order, notice or some other document, any one of the following methods of determining the address may be used:

(a) if the document to be served relates to a boarded building permit, the address for service or the updated address provided by the owner under section 7 of this By-law;

(b) if the person to be served is a registered corporation that has not been dissolved, the registered office of the corporation shown in the articles or incorporation or in the last notice filed under section 19 of *The Corporations Act*, C.C.S.M. c. C225; or

(c) in any other situation, the address maintained by the tax collector for the purpose of issuing the tax notice for that property.

Appeal of order or decision
22(1) If *The City of Winnipeg Charter* permits an appeal from an order or a decision made under this By-law, the appeal may be made to the Designated Committee.

Administration fee for appeal
22(2) If Council establishes an administration fee for an appeal under subsection (1), it must be paid before the City Clerk is allowed to accept an appeal.

Permit fees not applicable to City-owned buildings
23 The fees for Boarded Building Permits are not applicable to buildings owned by the City of Winnipeg.

Refund of fees
24 Upon application by the owner of a vacant building, the Designated Committee may reduce or waive any fee imposed under this By-law if the committee determines that

(a) the applicant is taking all reasonable steps to ensure the re-occupancy of the building, including rehabilitating the building, where necessary;

(b) the applicant has made all reasonable efforts to comply with this By-law and other City by-laws at the subject property and elsewhere; and

(c) if the fee is not reduced or waived, it would have an undue financial impact on the applicant.

City does not require demolition permit
25 Where the City acts to bring a building into compliance with this By-law by demolishing it, no permit for the demolition under the Demolition Permits in Residential Areas By-law No. 4665/87 is required.

Division 6

Miscellaneous

Schedules form part of By-law
26 Schedules A, B and C, attached hereto, form part of this By-law.

Transition
27(1) A permit issued under the Vacant and Derelict Buildings By-law No. 35/2004 remains in effect until its expiry date.

27(2) Where only one boarded building permit has been issued in respect of a residential building under section 6 of the Vacant and Derelict Buildings By-law No. 35/2004, the owner of the building is eligible to be issued a boarded building permit under section 9 *(Boarded building permit for residential buildings*).

27(3) Where more than one boarded building permit has been issued in respect of a residential building under section 6 of the Vacant and Derelict Buildings By-law No. 35/2004, the owner of the building is not eligible to be issued a boarded building permit under this By-law.

27(4) Where a boarded building permit has been issued in respect of a building under section 7 of the Vacant and Derelict Buildings By-law No. 35/2004 (non-residential and multi-family residential buildings), the owner of the building that qualifies to be issued a permit under section 8 (*Boarded building permits for commercial buildings*) is entitled to be issued a permit at the lowest fee prescribed by Council that is not less than the fee paid in respect of the most recent permit issued in respect of the building under the Vacant and Derelict Buildings By-law No. 35/2004.

Consequential amendment to City Organization By-law
28 Clause 3(1)(i) of the City Organization By-law No. 7100/97 is amended by adding "or through the process set out in Part 5 Division 4 of *The City of Winnipeg Charter*" after "through the tax sale process".

Parts of Vacant and Derelict Buildings By-law No. 35/2004 repealed
29 Part 1, sections 22, 24 and 25, and Schedules "A" and "B" of the Vacant and Derelict Buildings By-law No. 35/2004 are hereby repealed.

DONE AND PASSED, this day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property
And Development

Approved as to content:

_____
Director of Community Services

Approved as to form:

_____
For Director of Legal Services and
City Solicitor

SCHEDULE A
TO THE VACANT BUILDINGS BY-LAW
(Section 3)

MAINTENANCE STANDARDS FOR VACANT BUILDINGS

Exterior walls

1(1) The exterior of every building must be constructed, repaired and maintained in a manner that

(a) ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests; and

(b) prevents a substantial depreciation in property values in the immediate neighbourhood.

1(2) Without restricting the general obligation set out in subsection (1)

(a) all exterior surfaces must consist of materials that provide adequate protection from the weather;

(b) all exterior walls and their components, including coping and flashing, must be maintained in good repair;

(c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;

(d) exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;

(e) no more than 25% percent of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;

(f) the mortar of any masonry or stone exterior wall may not be loose or dislodged;

(g) the exterior of every building must be free of graffiti; and

(h) loose material must be removed from exterior walls, doors and window openings.

Roofs

2(1) Roofs must be constructed and maintained so as to prevent

(a) rainwater or melting snow falling on the roof from entering the building; and

(b) rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties;

(c) objects and materials from falling from the roof.

2(2) Without restricting the general obligation set out in subsection (1)

(a) roofs, including facia boards, soffits, cornices, flashing, eavestroughing and downspouts must be maintained in a watertight condition;

(b) roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that

(i) accumulates or causes ground erosion;

(ii) causes dampness in the walls, ceilings or floors of any portion of any neighbouring building;

(iii) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition;

(c) loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building;

Foundations, walls and floors

3(1) Every wall or floor must be structurally sound and maintained in a condition so as to prevent undue settlement of the building and prevent the entrance of moisture, insects, rodents or pests.

3(2) Without restricting the general obligation set out in subsection (1)

(a) basement walls and floors must be constructed of masonry, concrete, preserved wood or other material impervious to external moisture;

(b) floors must be so constructed as to effectively drain all water into a catch basin which shall be connected to a sewerage system, or a subsurface water drainage system;

(c) every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any normal load to which it may be subjected;

(d) materials that have been damaged, or show evidence of rot or other deterioration must be repaired or replaced.

Porches and stairs

4(1) Every porch and stairway within, on or attached to a building must be maintained in good repair so as to afford safe passage under normal use and weather conditions.

4(2) Without restricting the general obligation set out in subsection (1)

(a) component parts of a porch or stairway must not be broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to the point where it creates a hazard;

(b) wooden or metal exterior steps must be protected against deterioration by the application of appropriate protective coating.

Guards, balustrades and handrails
5(1) Every exterior or interior stair that has more than two risers must have the sides of the stair, the landing and the floor level around the stairwell enclosed by walls or protected by balustrades, except that a stair to an unfinished basement may have one unprotected side.

5(2) Every exterior landing or porch more than 900 millimetres above the adjacent grade and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes, shall be protected by balustrades or guards on all open sides.

5(3) All guards, handrails and balustrades shall be maintained in good repair and firmly attached so as to provide reasonable protection against accident and injury.

5(4) Exterior fire escapes must be maintained in good repair and free of obstructions.

Floors
6(1) Every floor must be maintained:

(a) free of loose, warped, protruding or rotting floors boards;

(b) free of holes or cracks and other defects that may be a fire, health or other hazard.

6(2) Any vertical opening on a floor, including service spaces, chutes, air vents and elevator shafts, must be covered or barricaded in a manner that prevents accident or injury.

Walls and ceilings
7 Every wall and ceiling in a building shall be maintained in safe condition and free from loose plaster and other hazards.

Fire protection systems
8(1) Unless a fire protection system has been decommissioned by permission of the Chief of the Fire Paramedic Service, it must be maintained in an operational condition.

8(2) Unless a fire alarm system has been decommissioned by permission of the Chief of the Fire Paramedic Service, it must be connected to an approved fire signal receiving centre in compliance with Can/ULC-S561-03, adopted and published by the Underwriters' Laboratories of Canada, so as to notify the Fire Department of a fire alarm activation in the building.

Yards
9(1) Yards surrounding a vacant building must be maintained so as to prevent

(a) the depreciation of property values in the immediate neighbourhood as a result of the vacancy of the building;

(b) drainage of water that negatively affects neighbouring properties or creates hazardous conditions.

9(2) Without restricting the general obligation under subsection (1), yards surrounding a vacant building must be maintained so as to prevent the accumulation of:

(a) rubbish, garbage, junk and other debris;

(b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any parts thereof;

(c) objects and conditions, including holes and excavations, that pose health, fire or accident hazards.

9(3) Plants and vegetation in yards surrounding vacant buildings must be kept trimmed.

9(4) Yards surrounding vacant buildings must be:

(a) covered with sufficient ground cover to prevent erosion; and

(b) graded in such a manner so as to prevent:

(i) excessive or reoccurring ponding of water;

(ii) excessive dampness from occurring in buildings on or adjacent to the yard; or

(iii) any hazardous condition from being created on any private or public walkway.

Walks and driveways
10(1) Access from a public street to the principal entrance of every vacant building must be afforded by way of a walk or driveway.

10(2) Every walk or driveway and parking space on the property on which a vacant building is located must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained and cleared of snow so as to afford safe passage under normal use and weather conditions.

Fences and accessory buildings
11 All fences and all accessory buildings on the property on which a vacant building is located must be kept:

(a) weather resistant by the application of appropriate materials, including paint or preservatives; and

(b) in good repair.

Storage of combustible material
12(1) Unless approved in writing by an enforcement officer,

(a) combustible materials; or

(b) flammable or combustible liquids or gases;

must not be stored within a vacant building.

12(2) An enforcement officer may approve the storage of combustible materials or flammable or combustible liquids or gases pursuant to subsection (1) where they can be stored without unduly increasing the likelihood that

(a) a fire will start;

(b) a fire will spread; or

(c) the safety of individuals, including fire fighters, will be jeopardized.

SCHEDULE B
TO THE VACANT BUILDINGS BY-LAW
(Section 5)

SECURITY REQUIREMENTS FOR VACANT BUILDINGS

The owner of a vacant building must comply with either Part I or Part II of this Schedule.

PART I

In order to comply with Part I of this Schedule, the owner of a vacant building must ensure that

(a) all exterior doors to the dwelling are operational, fit tightly within their frames when closed and are locked so as to prevent entry;

(b) all windows are either permanently sealed or locked so as to prevent entry;

(c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building; and

(d) all windows are in good repair, and properly glazed.

PART II

In order to comply with Part II of this Schedule, the owner of a vacant building must ensure that the following requirements are met:

(a) all doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

(b) the principal entrance must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre;

(c) windows, doors and other openings at the second floor level must be covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

(d) windows, doors and other openings at the third floor level or higher must be either

(i) secured in accordance with Part I of this Schedule; or

(ii) covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

(e) windows, doors and other openings at the third floor level or higher may be secured from inside the building; plywood applied to all other openings must be secured from the exterior;

(f) plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint;

(g) plywood applied to openings must be installed and maintained as follows:

i) for conventional, wood framed windows, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual frame of the window;

ii) for windows that have components that are flush with the face of the brickmould (e.g. wood storm windows), the plywood must be installed on top of the sill and flush with the outer edge of the brickmoulds on the sides and top with fasteners penetrating the face of the brickmoulds;

iii) for windows that have components that protrude past the face of the brickmould (e.g. aluminum storm windows), the brickmoulds must be built out flush to the outer edge of the brickmoulds with solid, dimensional lumber, painted white, as required to clear the protruding window components. The plywood shall then be installed on top of the sill (where possible) and flush with the outer edge of the built-up frame;

iv) for PVC windows, the area directly adjacent to the outer edge of the PVC brickmould and sill must be framed with solid, dimensional lumber, painted white, as required to clear the PVC components. The plywood must then be installed flush with the outer edge of the built-up frame;

v) for conventional doors without storm doors, the plywood must be installed on top of the sill and snugly between the brickmoulds on the sides and top with fasteners penetrating the actual door jamb and header of the door. A hole must be cut in the plywood just large enough for the door hardware to protrude;

vi) for entrance doors with storm doors, the area directly adjacent to the outer edge of the brickmould and sill must be framed out with solid, dimensional lumber, painted white, as required to clear all storm door components. The plywood must then be installed flush with the outer edge of the built-up frame. A hole must be cut in the plywood just large enough for the door hardware to protrude where necessary;

(h) all floors above the first floor must rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an enforcement officer;

(i) all areaways must be adequately secured either by:

(i) filling them with concrete or unshrinkable fill; or

(ii) covering opening to them with a metal plate of at least 8 millimeters thick and securing it so as to prevent it from shifting;

(j) electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms; and

(k) where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to an enforcement officer.

SCHEDULE C
TO THE VACANT BUILDINGS BY-LAW
(Section 13)

RE-OCCUPANCY STANDARDS FOR VACANT BUILDINGS

Definitions
1 Unless otherwise stated, terms and phrases in this Schedule have the same meaning as in the Neighbourhood Liveability By-law.

Relationship between Schedules A and C
2(1) The standards set out in this Schedule are in addition to and not in place of the requirements set out in Schedule A.

2(2) Where it is impossible to comply with both Schedule A and C, the standard set out in this Schedule prevails.

PART 1
General Standards

Application of this Part
3 The requirements of this Part apply to both residential and commercial properties.

Properties must be safe
4(1) Subject to subsection (2), properties must be maintained so as to prevent the existence of objects and conditions that pose health, safety, fire or accident hazards to people, animals or neighbouring properties.

4(2) The obligation in subsection (1) includes the obligation to repair, remove, rectify or otherwise prevent the existence of:

(a) buildings or structures that constitute a fire hazard or are likely to fall or cause an explosion;

(b) floors, stairs, walls and other structural aspects of buildings or structures that are insecure or pose a danger to people or animals who enter the building or structure;

(c) uncovered and unguarded well, holes, excavations and other openings;

(d) refrigerators and freezers that are not in use and other airtight containers that are large enough to hold a human being, unless the container is not placed door-side down on the ground and

(i) the container is incapable of being locked;

(ii) the lock on the door is capable of being released from the inside; or

(iii) the lock or door has been removed;

(e) sharp objects that could result in injuries, such as nails projecting from boards.

Properties must be properly drained
5 Properties must be maintained so as to prevent water draining in a way that negatively affects buildings on the property or neighbouring properties or that creates hazardous conditions.

Vegetation on properties
6(1) Plants and vegetation must be kept trimmed so as not to become unsightly.

6(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).

6(3) Noxious weeds must be controlled.

Roofs of buildings
7(1) Roofs must be in good repair.

7(2) The standards in subsection (1) includes the following

(a) roofs must have been constructed and maintained so as to prevent moisture from entering the building;

(b) where the protective surface of a roof consists of wood shingles, they must be in good repair and be painted, stained or otherwise treated as may be necessary to protect against deterioration.

7(3) Roof drainage must be controlled in order to eliminate or minimize runoff that

(a) accumulates or causes ground erosion or ponding;

(b) causes dampness in the walls, ceilings or floors of any portion of any building.

7(4) The obligation in subsection (3) includes the obligation to install eavestroughs and downspouts on any pitched roof.

Porches and entrances
8(1) Porches and entrances to a building must be in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.

8(2) Exterior steps must be in good repair so as to provide safe use under normal use and weather conditions and, if constructed of wood, must be protected against deterioration by the application of an appropriate protective coating.

Accessory structures
9 Accessory structures, including fences, must be in a condition that is:

(a) weather resistant, through the application of appropriate materials, including paint and preservatives; and

(b) in good repair.

PART 2
Residential Properties

Application of this Part
10 This Part applies to residential properties.

General requirements
11(1) There must be a safe and unobstructed means of egress to the exterior of a dwelling.

11(2) All required safety features and equipment must be in good working order.

11(3) The floors, walls, ceilings, furnishings and fixtures must be in a clean and sanitary condition.

11(4) The property must be free from rubbish, garbage and other debris or conditions which constitute a fire, accident or health hazard.

11(5) All plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities must be in a clean and sanitary condition.

Nuisances and unsanitary conditions
12(1) Nuisances and unsanitary conditions must not exist on the property.

12(2) Without restricting the generality of subsection (1), the property must be free of

(a) infestations of insects, rats, mice and other pests and vermin;

(b) any condition, matter, or thing that provides or may provide food or harbourage for pests or vermin.

12(3) Without restricting the generality of subsection (1), there must be no evidence of mice, rats, lice, bed bugs, cockroaches, silverfish or other rodents, insects or vermin in any part of a dwelling or accessory building.

Basement floors and walls
13(1) Basement walls and floors of a dwelling must be constructed of masonry, concrete, preserved wood or other material impervious to external moisture.

13(2) Materials in basement walls and floors of a dwelling must not show evidence of rot or other deterioration.

13(3) Basement floors of a dwelling must be so constructed as to effectively drain all water into a catch basin which must be connected to a sewerage system, or another subsurface water drainage system.

Floors
14(1) The floors of a dwelling must be in a clean and sanitary condition.

14(2) Floor coverings in a dwelling must be in good repair, well fitted and capable of being easily cleaned.

14(3) Floors of kitchens, bathrooms, shower rooms, toilet rooms, laundry areas or other areas in a dwelling where large amounts or water are likely to be present must be finished with a material that is resistant to water.

14(4) Where necessary to prevent condensation, mould, or frost buildup in a dwelling, the floors of habitable rooms adjacent to any unheated area must be insulated and have a vapour barrier installed in accordance with the Manitoba Building Code.

Walls and ceilings
15(1) Walls and ceilings in a dwelling, including door jams and stops, baseboards, quarter round and other components, must be in good repair.

15(2) Without restricting the generality of subsection (1), walls and ceilings must be

(a) finished with paint, varnish, stain or wallpaper:

(b) in a clean condition; and

(c) free of holes, large cracks and loose plaster.

15(3) In a dwelling, a waterproof finish such as ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorate sheets or linoleum must be installed to a height of not less than:

(a) 1.8 m above the floor in shower stalls;

(b) 1.2 m above the rims of bathtubs equipped with showers;

(c) 400 mm above the rims of bathtubs not equipped with showers.

15(4) Where necessary to prevent condensation, mould, or frost buildup in a dwelling, the walls and ceilings of habitable rooms adjacent to any unheated area must be insulated and have a vapour barrier installed in accordance with the Manitoba Building Code.

Doors and windows
16(1) When closed, every exterior door to a dwelling and every door to a dwelling unit within a dwelling:

(a) must be properly fitted within its frame;

(b) must be equipped with hardware so as to be capable of being locked from both inside and outside;

(c) must allow individuals within the dwelling unit to exit without the use of a key; and

(d) must not be secured with a lock and hasp.

16(2) All windows in a dwelling that are capable of being opened must have locking hardware capable of being opened from inside the dwelling unit.

16(3) All windows, exterior doors, basement and attic hatchways and their frames and other components in a dwelling, must completely exclude moisture and substantially exclude wind from entering the structure.

16(4) Windows in a dwelling, including frames, sashes, casings, weatherstripping and other components, must be in good repair.

16(5) Windows in a dwelling must be properly glazed.

16(6) All enclosed spaces in a dwelling must be provided with an opening of sufficient size to permit entry to the space and fitted with a door or panel to enclose the opening.

Guards and handrails

17(1) Within a dwelling, every interior stair that has more than two risers must have the sides of the stair, the landing and the floor level around the stairwell enclosed by walls or protected by guards, except that a stair to an unfinished basement may have one unprotected side.

17(2) Every exterior landing or porch that is attached to a dwelling and that is more than 90 cm above the adjacent grade, and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes, must be protected by guards on all open sides.

17(3) Within a dwelling, a handrail must be installed on at least one side of all interior stairs having more than two risers and on exterior stairs having more than three risers.

17(4) Where this section requires that stairs must be protected by handrails or guards, the handrails and guards must be at least 75 cm in height above a line drawn through the outside edges of the stair nosings and 90 cm in height above landings.

17(5) Where this section requires that guards must be installed around accessible roof levels, porches, exterior balconies or walkways to which access is provided, the guards must be at least 107 cm in height, except that those within dwelling units may be 90 cm in height.

17(6) Where balustrades are used as a guard in compliance with this section, they must prevent the passage of a spherical object having a diameter of 10 cm through the balustrade.

17(7) All guards and handrails required by this section must be in good repair and must be firmly attached so as to provide reasonable protection against accident and injury.

17(8) Fire escapes on the exterior of dwellings must be in good repair and free of obstructions.

Kitchens

18(1) Within a dwelling, a kitchen must be equipped with a kitchen sink and a counter work surface.

18(2) A clear space of 60 cm must be provided above the heating elements of any cooking appliance within a dwelling.

Plumbing standards

19(1) Every dwelling must have an adequate supply of running water that is safe and fit for human consumption without further treatment.

19(2) Every sink, wash basin, bathtub or shower in a dwelling must have hot and cold running water and every toilet must have running water in a supply and at a pressure adequate for the purpose for which that fixture is intended to be used.

19(3) All plumbing in a dwelling, including fixtures, drains, water pipes and connecting lines to the water and sewer systems, must be:

(a) protected from freezing;

(b) in good working order; and

(c) free from leaks or other defects.

19(4) Every dwelling must contain:

(a) a kitchen sink;

(b) a toilet;

(c) a washbasin; and

(d) a bathtub or a shower.

19(5) Sewage or organic waste from a dwelling must be discharged as required by the Sewer By-law.

Heating standards

20(1) A dwelling must be provided with a heating system

(a) installed under permit and in compliance with the Manitoba Building Code; and

(b) in a safe and good working condition..

20(2) A space within a dwelling that contains fuel burning equipment must be provided with a natural or mechanical means of supplying fresh air for combustion.

20(3) A fuel-fired heating appliance within a dwelling must be vented by means of rigid connections to a chimney or vent flue in compliance with the Winnipeg Building By-Law.

20(4) Every chimney, smoke pipe and flue of a dwelling must:

(a) not permit any gases, water or any liquid to leak into the dwelling;

(b) be clear of obstructions; and

(c) have no defective masonry or metal components.

20(5) Where all or part of a heating system or an auxiliary heating system in a dwelling burns solid or liquid fuel, a receptacle approved by the Department of Labour for the storage of the fuel must be provided and maintained in a convenient location that has been constructed so as to be free from fire or other hazards.

20(6) Within a dwelling, any fireplace that capable of being used, and its components, must not permit adjacent combustible material and structural members to be heated to unsafe temperatures.

Gas and open flame appliances
21(1) Within a dwelling, gas stoves, gas water heaters, gas fireplaces and other gas appliances that use open flames:

(a) must be provided with suitable pipes or flues or other effective means for the removal of the products of combustion;

(b) must be in good repair;

(c) must not be installed in any room used for sleeping purposes.

21(2) A room used for sleeping purposes in a dwelling must be separated by a door from a room in which a gas or open-flame appliance is located.

21(3) A person must not use or allow to be used for sleeping purposes in a dwelling any room that contains a gas or open-flame appliance, or any room which is not separated by a door from such a room.

Ventilation
22 All enclosed spaces within a dwelling must be capable of being ventilated sufficiently to prevent mould, mildew and condensation and to provide for an exchange of fresh air.

Electrical services
23(1) Every dwelling must be connected to an electrical supply system and must be hardwired for electricity.

23(2) A supply of hardwired electric power must be available at all times in all areas of every occupied dwelling.

23(3) The capacity of the electrical service to the dwelling and the system of circuits distributing the electrical supply within the dwelling must be adequate for the actual use and intended use of the dwelling.

23(4) Electrical wiring, circuits, fuses, circuit breakers and electrical equipment within a dwelling must be maintained at all times in compliance with the provisions of The Winnipeg Electrical By-Law.

23(5) Subject to subsection (6), every habitable room within a dwelling must be provided with at least one electrical receptacle.

23(6) Every kitchen or room where cooking takes place must be provided with at least two

receptacles, suitably located, one for a refrigerator and one over or adjacent to the counter work surface.

23(7) If an electric range is provided in a dwelling unit, a receptacle in addition to those required by subsections (5) and (6) must be provided exclusively for the electric range.

23(8) A receptacle and receptacle circuit on an electric range may be taken into account in determining compliance with subsection (6).

23(9) All lighting and appliance branch circuits must be protected by an overcurrent device rated at not more than 15 amperes and must be protected from inadvertent overfusing by the insertion of a fuse rejector into the fuse holder, or by the use of a circuit breaker.

Smoke alarms
24(1) The dwelling must be in full compliance with the Fire Prevention By-law and other regulations.

24(2) Smoke alarms conforming to CAN/ULC-S531-02 "Standard for Smoke Alarms" must be installed in every dwelling unit.

24(3) Smoke alarms within dwelling units must be installed between each sleeping area and the remainder of the dwelling unit and, where the sleeping areas are accessed by a hallway, the smoke alarms must be installed within the hallway.

24(4) Smoke alarms in a dwelling must be installed on or near the ceiling and otherwise in conformance with CAN/ULC-S553-02 “Installation of Smoke Alarms”.

24(5) Smoke alarms must be hardwired unless they are located in a dwelling constructed prior to 1981 which has not subsequently renovated in a way that would permit hardwiring.

24(6) Where smoke alarms are installed with hardwired, there must be no disconnect switch between the overcurrent device and the smoke alarm.

Fire alarm and smoke alarm systems
25 All fire alarm systems and smoke alarm systems installed in a dwelling must be operational and in good repair at all times.

Air conditioners, fans, etc.
26 Air conditioning equipment, air moving devices or fans located on the property must not be able collectively to exceed a sound level at the point of reception of 55 dBA unless there is reason to believe that they will not violate Part 5 of the Neighbourhood Liveability By-law.