THE CITY OF WINNIPEG

BY-LAW NO. 58/2023

A By-law of THE CITY OF WINNIPEG to amend the Vacant Buildings By-law 79/2010.

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

PART ONE

Vacant Buildings By-law amended
1 The Vacant Buildings By-law No. 79/2010 is amended by this Part.

Subsection 2(1) amended
2 Section 2 is amended by adding the following definition in alphabetical order:

"problematic vacant building" *means*

(a) a boarded vacant building that has had the boards removed or damaged on at least two separate occasions to the point where an individual could enter the building, and the building has had to be re-secured by the City; or

(b) a vacant building in which, or on the property of which, a fire has occurred with the result that the Winnipeg Fire Paramedic Service has responded.

Section 5 amended
3 Section 5 is amended by

(c) replacing the period at the end of clause (b) with "*; or*" and

(d) adding the following after clause (b):

(c) boarding it in compliance with subsection (1) of Part III of Schedule B.

Section 6 amended
4(1) Subsection 6(1) is replaced with the following:

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

(a) it complies fully with Part II of Schedule B or subsection (1) of Part III of Schedule B; and

(b) *unless the designated employee has issued an order section 10.1, a Boarded Building Permit has been issued in respect of the building.*

4(2) Subsection 6(2) is replaced with the following:

Clarification

6(2) *For greater certainty, the owner of a vacant building must not allow it to be boarded unless a Boarded Building Permit, Boarded Building Exemption Certificate or an order issued under s. 10.1 has been issued in respect of the building and the boarding complies with Part II or Part III of Schedule B. If a Boarded Building Permit, Boarded Building Exemption Certificate or order under s. 10.1 has not been issued in respect of the building or has expired, the owner of the building must secure it in compliance with Part I of Schedule B.*

Subsection 10.1(1) amended

5 Subsection 10.1(1) is amended by adding "*or, where this is ordered under section 10.2, compliance with subsection (1) of Part III of Schedule B*" immediately following "*in compliance with Part II of Schedule B*".

Section 10.2 added

6 The following section is added after section 10.1:

Designated employee may order enhanced security for problematic vacant buildings

10.2(1) *Where the designated employee determines that a problematic vacant building exists and that one or more of the following is likely to reduce the risk of entries into the building or fires occurring in or at the building, the designated employee may order the owner of the building to take one or more of the following actions:*

(a) comply with the enhanced boarding standards detailed in Part III of Schedule B and as specified by the designated employee;

(b) install fencing as detailed in Part III of Schedule B and as specified by the designated employee;

(c) install security cameras as detailed in Part III of Schedule B and as specified by the designated employee;

(d) install motion-activated flood lights as detailed in Part III of Schedule B and as specified by the designated employee;

(e) implement foot security patrols to

(i) determine if the property complies with this By-law; and

(ii) act to remedy any points of non-compliance;

at times and at intervals specified by the designated employee, and provide any documentation to demonstrate compliance with this order as required by the designated employee;

(f) *prohibit entry onto the property or any continuing presence of individuals on the property without the authorization of the designated employee, except for attendance by the property owner, and require installation of signage or other notification to this effect.*

10.2(2) *Unless otherwise stated in the order or terminated earlier by the designated employee, an order issued under this section expires when the problematic vacant building is occupied in accordance with this By-law or is demolished.*

10.2(3) *For greater certainty, an order under this section may be issued regardless of whether or not an order under section 10.1 has been issued.*

10.2(4) *The owner of the problematic vacant building must comply with an order issued under this section in respect of the problematic vacant building.*

Schedule A amended

7(1) Section 9 of Schedule A is amended by adding the following immediately following subsection (2):

9(2.1) *Without restricting the general obligation in either subsection (1) or subsection (2), no vehicles of any kind may be parked or stored overnight on the property on which a vacant building is located.*

7(2) Section 12(1) is amended by adding "*or on the property or in an accessory building on the property on which a vacant building is located*" immediately following "*within a vacant building*".

Schedule B amended

8 Schedule B is amended by

(a) replacing the sentence prior to "**PART I**" with the following:

The owner of a vacant building must comply with one of Part I or Part II or subsection (1) of Part III of this Schedule but, if so ordered by the designated employee under section 10.2 of the By-law, must comply with Part III of this Schedule.

(b) adding the following after Part II:

PART III

In order to comply with one or more subsections of this Part when ordered to do so under section 10.2 of the By-law, the owner of a vacant building must ensure that the following requirements are met in respect of the relevant subsection(s):

(1) Enhanced Boarding

(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 18 millimeters thick and secured with non-countersunk T-25 Torx screws at least 75 millimeters in length, spaced not more than 150 millimeters on centre;

(b) all doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must have bracing installed, consisting of

2x4s on the flat flush to the outside edges of the plywood, twice along the longest lengths at a minimum, that are secured using hex type lag screws that are at least 101 millimeters in length;

(c) the principal entrance must be covered in compliance with this Part with a solid piece of plywood, non-countersunk T-25 Torx screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre;

(d) the principal entrance must have bracing installed consisting of 2x4s on the flat flush to the outside edges of the plywood, along the two vertical lengths at a minimum, that are secured using non-countersunk T-25 Torx screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre;

(e) all windows, doors and other openings at the second-floor level or higher are to be secured in compliance with Part II of this Schedule unless the owner is ordered by the designated employee to install boarding in compliance with specifications set out in clauses(a) and (b) of this subsection.

(f) plywood and 2x4s 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;

(2) Security Fencing

(a) When installed, a security fence must:

(i) be well constructed, robust and made of metal;

(ii) subject to clause (iii), be installed along the property line and provide a continuous barrier around the perimeter of the property, unless the designated employee determines that it is unreasonable to encircle the entire perimeter, in which case the designated employee may require that the security fence be installed around the structure itself;

(iii) not encroach on the adjacent street or neighboring private properties;

(iv) have components installed in such a manner that they are safeguarded from tampering; and

(v) be installed in a manner that does not promote easy access over, under or through the fence.

(b) The security fence shall consist of the following components

(i) Wire mesh linear fence panels with minimum dimensions of 72" x 10';

(ii) Panels supported by ground bases between each panel as necessary to maintain strength, uniformity, and tautness;

(iii) One panel near the principal entrance of the vacant building act to as an access panel to the property with one end supported at the ground base to act as a swivel and the other end of the panel secured to the fence structure using a chain and keyed padlock complying with the following requirements:

- *The Chain shall be at minimum a ¼" Zinc-Plated (to resist corrosion) proof tested coil chain;*
- *The padlock shall be stainless steel with a weather resistant thermoplastic shell and cap to cover the keyhole for outdoor protection;*
- *A copy of the padlock key must be filed with The City by delivering it immediately upon installation to a by-law enforcement officer with the City of Winnipeg.*

(3) Security Cameras

(a) One or more security cameras shall be installed and maintained so as to operate for 24 hours per day, 365 days a year, installed in a location satisfactory to the designated employee to provide visual coverage of all approaches to the vacant building, or as otherwise directed by the designated employee.

(b) Each camera must be capable of

(i) capturing images or video, specifically when there is motion/activity in the area of coverage;

(ii) capturing clear facial images in both day and night lighting conditions;

(iii) capturing key meta data such as dates and times an image or video was captured;

(iv) storing or transmitting image or video files so that they can be stored offsite for a minimum of 6 months.

(c) All images and video files must be made available by the owner to an enforcement officer, fire investigator, or police officer upon demand.

(4) Motion-Activated Flood Lights

(a) Motion-activated flood lights acceptable to the designated employee shall be installed and maintained so as to

(i) operate during evening and night-time hours 365 days a year;

(ii) provide light to the rear yard of the property, and/or any other area of the property as directed by a designated employee; and

(iii) be triggered by the movement of individuals, vehicles or other objects of similar size on the property.

(b) These lights are to be powered by one of the following:

(i) hardwire connected to a power source originating from the property on which it is located; or

(ii) a solar-powered battery system.

(c) The owner is responsible for maintaining the lighting equipment, including ensuring that working lightbulbs are installed at all times.

PART TWO

Municipal By-law Enforcement Act Enabling By-law amended

9 The table applicable to the Vacant Buildings By-law No. 79/2010 set out in Schedule A of the MBEA Enabling By-law No. 59/2016 is amended in the row for s. 6(1) by adding "*or*

subsection (1) of Part III" immediately following "*Part II*" in the cell setting out a Contravention Summary.

Coming into force
10 This By-law comes into force on the day it is enacted by Council.

DONE AND PASSED this day of , 2023.

Mayor

City Clerk

Approved as to content:

Director of Community Services

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor