RURAL MUNICIPALITY OF WHITEMOUTH
VACANT AND DERELICT BUILDINGS AND UNSIGHTLY PROPERTY
BY-LAW NO. 712/20

BEING A BY-LAW of the Rural Municipality of Whitemouth to establish a system to regulate the condition and maintenance of vacant residential and commercial buildings and to establish a process to take title to vacant and derelict buildings, to be known as the "Vacant and Derelict Building By-law".

WHEREAS the Municipality is empowered by Part 7, Division 2, Sections 231, 232 and 233 of *The Municipal Act*, RSM 1996, c.M225, to pass a by-law with respect to the condition and maintenance of vacant residential and commercial buildings;

Guide to interpreting power to pass by-laws

231 The power given to a council under this Division to pass by-laws is stated in general terms

(a) to give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and

(b) to enhance the ability of the council to respond to present and future issues in the municipality.

Spheres of jurisdiction

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

(a) the safety, health, protection and well-being of people, and the safety and protection of property;

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

(c) subject to section 233, activities or things in or on private property;

(c.1) subject to section 233.1, the condition and maintenance of vacant dwellings and non-residential buildings;

(c.2) subject to section 233.2, the conversion of rental units into units under *The Condominium Act*;

(d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;

(e) private works on, over, along or under municipal roads;

(f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;

(g) the operation of off-road vehicles on public or private property;

(h) drains and drainage on private or public property;

(i) preventing and fighting fires;

(j) the sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms, and the use of bows and arrows and other devices;

(k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;

(l) public utilities;

(m) local transportation systems;

(n) businesses, business activities and persons engaged in business;

(n.1) the establishment of a program of property tax credits to encourage and assist in the renovation of buildings that have been designated as municipal heritage sites under The Heritage Resources Act;

(o) the enforcement of by-laws.

Exercising by-law-making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(a) regulate or prohibit;

(b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization, and require compliance with the code or standard;

(c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;

(d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:

(i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,

(ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,

(iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

(v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and

(vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;

(f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;

(g) require persons who do not reside or have a place of business in the municipality to report to the municipal office before conducting business in the municipality; and

(h) require pawnbrokers to report all transactions by pawn or purchase to the head of council or to the police.

Content of by-laws under clause 232(1)(c)

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

(a) the requirement that land and improvements be kept and maintained in a safe and clean condition;

(b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;

(c) the removal of top soil; and

(d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

Content of by-laws under clause 232(1) (c.1)

233.1(1) A by-law under clause 232(1) (c.1) (vacant dwellings and non-residential buildings) may establish a system to regulate the condition and maintenance of vacant dwellings and non-residential buildings, and may include provisions respecting

(a) the manner in which the dwellings or buildings must be secured by owners or, on default, may be secured by the municipality;

(b) inspections by the municipality of the condition of the dwellings or buildings, including their interior condition; and

(c) the length of time that dwellings or buildings may remain boarded up.

Restriction

233.1(2) A by-law under clause 232(1) (c.1) may not regulate the condition and maintenance of vacant dwellings and non-residential buildings that are located on property that is classified as Farm Property under *The Municipal Assessment Act*.

AND WHEREAS the existence of unsightly vacant buildings may produce a harmful visual impact on a streetscape, may create the impression of decline, may lower property values and may raise the likelihood of arson, vandalism, drainage problems and vermin infestation;

AND WHEREAS the Municipality deems it expedient and in the public interest to establish a by-law to regulate the condition and maintenance of vacant, unsafe and unsightly buildings;

AND WHEREAS Section 247.2(1) of *The Municipal Act* permits a municipal council to establish a process by which a municipality may take title to vacant and derelict buildings;

By-law re derelict building orders, second notices and certificates

247.2(1) A council may by by-law establish a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties.

AND WHEREAS council deems it necessary to establish a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties pursuant to the provisions of *The Municipal Act*;

NOW THEREFORE the Council of the Rural Municipality of Whitemouth, duly assembled, enacts as follows:

PART 1: DEFINITIONS

1. All references herein to "he" shall include "she" unless the context thereof requires otherwise.

2. In this by-law:

   a. "BOARDED BUILDING" means an unoccupied building in which any door, window or other opening has been covered for more than seven (7) days by affixing wood, metal or some other material over it to prevent entry.

   b. "BOARDED BUILDING PERMIT" means a permit issued for a Boarded Building that is in compliance with the provisions of this by-law.

   c. "BUILDING" means any structure used or intended for supporting or sheltering any use or any occupancy.

   d. "CERTIFICATE of OCCUPANCY/REOCCUPANCY" means an occupancy certificate issued under Section 1 of Schedule A, "Maintenance Standards for Vacant Commercial Buildings" or Section 1 and 2 of Schedule B, "Maintenance Standards for Vacant Residential Buildings" of this by-law, as applicable.

e. "CODE" means The Manitoba Building Code as adopted by Manitoba Regulation 31/2011 pursuant to The Buildings and Mobile Homes Act, RSM 1987, c.B93, as amended from time to time, or any subsequent Manitoba Building Code which may be enacted.

f. "COMMERCIAL BUILDING" means any building that is not a residential building but may contain a legally established dwelling unit(s).

g. "COUNCIL" means the duly elected municipality council of the Municipality.

h. "DERELICT PROPERTY" means property upon which is located an unoccupied residential or commercial building that is not in compliance with the provisions of this by-law.

i. "DESIGNATED OFFICER" means the Chief Administrative Officer of the Municipality and any employee of the Municipality to whom he or she has delegated authority or duty granted or imposed under this By-law.

j. "DESIGNER" means a person skilled in the type of work concerned, who is licensed to practice in the Province of Manitoba and who is responsible for the design and/or code analysis of a building and may include an architect and/or an engineer depending on the requirements of the Manitoba Building Code in regard to the particular building's classification.

k. "DWELLING" includes any building, part of a building, mobile home, trailer or other covering or structure, the whole or any portion of which has been used, is used, or is capable of being used for the purposes of human habitation with the land and premises belonging thereto and all accessory buildings, fences, or erections thereon or therein, and every dwelling unit within the building.

l. "FIRE PROTECTION SYSTEM" includes, but is not limited to, any fire alarm system, sprinkler system or standpipe system or one or more private hydrants.

m. "INSPECTOR" means Building Inspector, Fire Chief appointed as a Designated Officer the Fire Chief, or any other person or agency employed by or acting for the Municipality and partially or wholly responsible for the building safety and property standards within the Municipality.

n. "NON-CONFORMANCE" means a condition which does not comply with the standards established by this by-law.

o. "OPEN BUILDING" means a building that is unoccupied and without a valid Boarded Building Permit issued.

p. "OWNER" means the registered property owner of the land and premises and includes the person that for at all material times is managing or receiving the rent of the land or premises in connection with which the word "owner" is used, whether on his own account or as agent or trustee of any other person; or

   i. the person who would so receive the rent if such land and premises were let; or

   ii. the vendor of such land under an offer to purchase or an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or

   iii. the person that at all material times is receiving installments of the

purchase price of the land or premises in connection with which the word "owner" is used, sold under an offer to purchase or an agreement for sale whether on his own account or as an agent or trustee of any other person; or

iv. the person who would so receive the installments of the purchase price if such land or premises were sold under an offer to purchase or an agreement for sale.

q. "RESIDENTIAL BUILDING" means a building primarily designed for or has been used for residential occupancy by way of a dwelling unit(s) but may also be designed for or used for a secondary occupancy.

r. "SEWAGE" means a combination of the water borne wastes from residences, business structures, and commercial, institutional, and industrial establishments together with such ground, surface and storm waters as may be present.

s. "SEWERAGE SYSTEM" means the Rural Municipality of Whitemouth Sewerage System or a private sewage disposal system.

t. "STANDARDS" means the standards prescribed in this by-law for the maintenance and improvement of the physical condition and for the fitness for occupancy of any building or other structure or properties, or parts thereof, together with the surrounding lands.

u. "UNSAFE BUILDING" means any building that is in an unsafe condition in that it is unoccupied or open and unguarded to which entry can be gained.

v. "UNSIGHTLY" means premises that are in non-compliance with Sections 3, 6, 7, 9, 10 and 17 of Schedule A, "Maintenance Standards for Vacant Commercial Buildings", to this by-law if it is a commercial building, Sections 4, 7, 8, 10, 12 and 19 of Schedule B, Schedule B, "Maintenance Standards for Vacant Residential Buildings", to this by-law if it is a residential building, or as otherwise determined by the designated officer. Any boarded building is also deemed to be unsightly.

w. "VACANT BUILDING" means a previously occupied residential building or commercial building or unit thereof that is not presently being used or occupied for which a Vacant Building Certificate has been issued.

x. "VACANT BUILDING CERTIFICATE" means a certificate issued to a vacant residential or commercial building that is in compliance with the provisions of this by-law.

PART II - STANDARDS

Inspection of Vacant or Boarded Buildings

3. In addition to any other inspections of a vacant or boarded building to enforce or administer this by-law, Designated Officers are authorized to conduct full inspections of the exterior and interior of a vacant or boarded building to determine compliance with Schedule A, "Maintenance Standards for Vacant Commercial Buildings" or Schedule B, "Maintenance Standards for Vacant Residential Buildings" or Schedule C, "Maintenance Standards for Boarded Buildings", of this by-law. The owner must pay any inspection fee established by Council for this inspection.

Requirements for All Vacant Buildings

4. The owner of a vacant residential or commercial building must ensure that the premises is in compliance with the standards set out in Schedule A, "Maintenance Standards for Vacant Commercial Buildings" or Schedule B, "Maintenance Standards for Vacant Residential Buildings", as applicable.

Vacant Building Permit

5. A building may remain vacant in accordance with Section 4, "Requirements for All Vacant Buildings" above, provided that a Vacant Building Certificate is obtained, and upon payment of any required inspection fees.

6. A Vacant Building Certificate must be obtained within ninety (90) days of notification by the designated officer that the building has been identified as vacant.

7. Upon annual payment of any inspection fee as designated in the Municipality's fee schedule, the owner of a commercial or residential building may renew a Vacant Building Certificate, valid for a period of one year after being issued.

8. Where a vacant building does not meet the standards and requirements referred to in subsection 4 "Requirements for All Vacant Buildings", a designated officer may issue an Order to the owner of the building requiring the building be brought into compliance with the standards set out in Schedule C, "Maintenance Standards for Boarded Buildings", whereby the owner shall obtain a Boarded Building Permit within twenty-one (21) days of issuance this Order.

Requirements for All Boarded Buildings

9. Unoccupied or open and unguarded buildings to which entry can be gained shall be deemed unsafe. The owner of an unoccupied and open building must ensure that the building is secure from unauthorized entry by complying with Schedule C, "Maintenance Standards for Boarded Buildings".

Boarded Building Permit

10. A building may remain boarded up in accordance with Schedule C, "Maintenance Standards for Boarded Buildings", provided that a Boarded Building Permit is obtained.

11. An owner shall obtain a Boarded Building Permit within twenty-one (21) days of notification by the designated officer.

12. Upon payment of any application or permit fee as designated in the Municipality's annual fee schedule, 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.

13. A residential building owner will only be issued one (1) Boarded Permit, provided said building is in compliance with the standards as noted in Section 10. Any additional residential buildings also owned by said owner shall conform to the maintenance standards for vacant residential buildings set out in Schedule B, "Maintenance Standards for Vacant Residential Buildings".

14. Where an unoccupied building is boarded but lacks a Boarded Building

permit, the inspector may issue an Order requiring the owner within twenty-one (21) days to either obtain a permit to meet the requirements of Schedule C, "Maintenance Standards for Boarded Buildings", or bring the building into compliance with Schedule A, "Maintenance Standards for Vacant Commercial Buildings", or Schedule B, "Maintenance Standards for Vacant Residential Buildings", as applicable.

PART III – ORDER TO MAINTAIN

15. Any inspector, duly appointed and authorized for the purpose, may, at all reasonable times, without the consent of the owner or occupier and upon production of the necessary authority, if demanded, enter upon any building or premises in the Municipality that is boarded or appears to be vacant for the purpose of determining:

    a. whether the building is vacant; and

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

16. If as a result of the inspection of any vacant residential building, vacant commercial building, or boarded building, an inspector is satisfied that the vacant residential building, vacant commercial building, or boarded building does not comply to the standards set forth in Schedule A, "Maintenance Standards for Vacant Commercial Buildings", Schedule B, "Maintenance Standards for Vacant Residential Buildings" or Schedule C, "Maintenance Standards for Boarded Buildings" to this by-law, he may make an Order to Maintain, in a form as set out in Schedule D "Order to Maintain", hereto and subject to an Order Issuance Fee as designated in the Municipality's fee schedule, a copy of which shall be served on the owner by personal service or by certified or registered mail to the address as shown on the latest assessment roll of the Municipality. When service cannot be effected either by personal service or by certified or registered mail, then such Order and/or placard may be posted on the property subject to the Order.

17. If, upon attempt to effect service of an Order to Maintain hereunder an inspector learns the owner of the property is deceased, the Order shall be served upon the executor, administrator, successor or assignee of the deceased. If such party cannot be located, service shall be effected by posting the Order and/or placard on the property subject to the Order.

18. The Order to Maintain shall contain:

    a. a description of the land, building or premises sufficient to identify the property;

    b. the particulars of each non-conformance and the date by which each non- conformance must be corrected;

    c. except in the case of an immediately dangerous non-conformance, the final date for giving notice of objection from the Order;

    d. and may also contain an outline of what action may be taken to make the residential property or the commercial property conform to the standards and any other information that the inspector deems necessary.

19. Except in the case of an immediately dangerous non-conformance, the date by which the non-conformance shall be corrected shall be a minimum of twenty-one (21) days from the date of service of the Order to Maintain made pursuant to Section 16. If the Order is served by mail, the Order shall be deemed to have been served and received by the owner on the

day of the date of receipt thereof shown on the "Acknowledgement of Receipt" form issued by the Canada Post Office or "Proof of Delivery" form signed by the person acknowledging receipt thereof.

20. The designated officer may postpone the last day when a non-conformance must be corrected as specified in the Order to Maintain only upon the owner showing that he is making reasonable efforts to correct the non-conformance, but that full correction cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labour, or inability to gain access to the building unit wherein the non-conformance occurs. Any postponement of the last day for compliance does not extend the initial fourteen (14) day period for appealing the Order; however, the owner does have seven (7) days from the date the postponement was granted to appeal the duration of the postponement.

Right to Appeal

21. Except in the case of an immediately dangerous non-conformance, the owner, or a person authorized in writing to act on behalf of the owner, may appeal any provision of an Order to Maintain issued under Subsection 16 by filing with the Chief Administrative Officer a Notice of Objection within fourteen (14) days upon receipt of the Order to Maintain.

22. Except in the case of an immediately dangerous non-conformance, the filing of a Notice of Objection to an Order to Maintain or any provision thereof as set forth in Section 20 shall operate as a stay of proceedings to correct a hazardous or non-hazardous non-conformance pending consideration of the appeal by Council.

23. Any failure to comply with a decision or order of the Council is an offence subject to the penalty provisions set forth in the by-law.

Non-Compliance

24. Where an owner has failed to comply with an Order to Maintain either of an inspector or an Order made by the Council, as the case may be, then the designated officer may cause the non-conformance to be corrected without any further notice to the owner. The entire costs of correcting the non-conformance, which can and may include, but are not limited to legal fees, disbursements and administrative fees, are considered an amount owing to the municipality pursuant to provisions of *The Municipal Act* and may be collected by the municipality in the same manner as a tax may be collected or enforced in accordance with *The Municipal Act*.

25. In the case of an immediately dangerous non-conformance, the designated officer may take whatever actions or measures are necessary to eliminate the non-conformance pursuant to Section 247 of The *Municipal Act*.

General Offence and Penalty

26. Every person who contravenes, or refuses, neglects, omits, or fails, to obey or observe any provision of this by-law is guilty of an offence and liable on summary conviction to a fine, pursuant to subsection 249(1) of *The Municipal Act*, not exceeding Five Hundred Dollars ($500) or to imprisonment for a term not exceeding three (3) months, or to both such a fine and such an imprisonment.

27. Every person who obstructs or interferes with an inspector in the performance of his duties under this by-law is guilty of an offence and is liable on summary conviction to the same penalties as set out in

subsection (a) above.

28. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

29. A fine imposed for contravening this by-law must be paid to the Municipality.

Conflict with Other By-laws

30. Where a provision of this by-law conflicts with a provision of another by-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

PART IV – DERELICT BUILDING ORDERS

Preliminary Derelict Building Order

31. A designated officer shall issue a Preliminary Derelict Building Order in respect of a property if he is satisfied that:

    a. the registered owner of the property has been found guilty of contravening the Vacant and Derelict Building By-law; and

    b. the property continues to be in contravention of the by-law.

Form of Order

32. A Preliminary Derelict Building Order must be issued in the form set out in Schedule E, "Preliminary Derelict Building Order", to this by-law, and must include:

    a. the legal description of the property;

    b. a statement that the property is a derelict property and

    c. a statement that the property may be transferred to the Municipality if it is not brought into compliance with the Vacant and Derelict Buildings By-law.

Service

33. The designated officer who issues a Preliminary Derelict Building Order must ensure that a copy of the Order is:

    a. promptly registered against the derelict property at The Property Registry; and

    b. personally served on the registered owner of the derelict property and on every other person who, on the day the order is registered at The Property Registry, appears from the records to have an interest in the property.

Time Frame for Compliance

34. The registered owner shall be required within ninety (90) days to bring the property into compliance with the Vacant and Derelict Building By-law after this Preliminary Derelict Building Order has been served on the registered owner.

Right to Appeal

35. Any person served with a Preliminary Derelict Building Order may appeal the Order to Council. The appeal must be made in writing and must be received by the Chief Administrative Officer of the Municipality within ninety (90) days after the Order has been served on the registered owner.

Second Notice of Preliminary Order

36. A second notice of the Preliminary Derelict Building Order may be issued by the designated officer if a property continues to remain a derelict property for more than thirty (30) days after the day on which the Preliminary Derelict Building Order was served on all persons required to be served under Section 29.

37. The second notice of the Preliminary Derelict Building Order must be issued in the form set out in Schedule F, "Second Notice of a Preliminary Derelict Building Order", to this by-law, and must include:

    a. the legal description of the property;

    b. a statement that the property continues to be a derelict property;

    c. a statement that if the property is not brought into compliance with the Vacant and Derelict Buildings By-law within sixty (60) days, title to the above noted property may be issued in the name of the Municipality and the persons being served may be forever stopped and debarred from setting up any claim to or in respect of the property; and

    d. a statement that the person served with the notice has the right to have Council review the Preliminary Building Order or the time period set out to bring the property into compliance, whereby the request to have Council review the Order must be made within 60 days after the second notice is served.

38. The designated officer must ensure that a copy of the second notice is:

    a. promptly registered against the derelict property at The Property Registry; and

    b. personally served on the registered owner of the derelict property and on every other person who, on the day the order is registered at The Property Registry, appears from the records to have an interest in the property.

Application for Derelict Building Certificate

39. A designated officer may apply to Council for a Derelict Building Certificate if:

    a. a Preliminary Derelict Building Order and a second notice have been issued, registered and served in accordance with the provisions contained herein;

    b. the time period for bringing the property into compliance with the Vacant and Derelict Building By-law provided in the second notice of the Preliminary Derelict Building Order has expired;

    c. the appeal period has expired, or if Council has reviewed the order and confirmed same, or varied the order, but the order as varied, has not been complied with; and

    d. the designated officer is satisfied that the property continues to be in

contravention of the Vacant and Derelict Building By-law.

40. When applying for a Derelict Building Certificate, a designated officer must provide to Council, a completed and sworn or affirmed statutory declaration in the form set out in Schedule G, "Statutory Declaration" to this by-law.

41. Council, upon receipt of an application for a Derelict Building Certificate, may, by resolution, issue the certificate if there is evidence that the property continues to be a derelict property; and in the opinion of Council, there is a satisfactory plan for redeveloping the property.

Application for Title

42. When a Derelict Building Certificate is issued, the designated officer may

    a. register the certificate against the derelict property at The Property Registry; and

    b. apply to the District Registrar for title to the derelict property to be issued in the name of the Municipality.

43. Application for title must be made within one hundred and twenty (120) days after Council issued the Derelict Building Certificate.

PART V: ENACTMENT

44. This by-law shall come into full force and take effect on the 15th day of December, A.D. 2020.

DONE AND PASSED by the Council of the Rural Municipality of Whitemouth, in Council duly assembled, at Whitemouth, Manitoba, this 15th day of December, 2020.

RURAL MUNICIPALITY OF WHITEMOUTH

Reeve:

Chief Administrative Officer:

Read a First time this 10th day of November, 2020.
Read a Second time this 10th day of November, 2020.
Read a Third time this 15th day of December, 2020.

SCHEDULE A

TO BY-LAW NO.712/20

MAINTENANCE STANDARDS FOR VACANT COMMERCIAL BUILDINGS

1. Re-Occupancy of Vacant Commercial Buildings

   a. A Certificate of Occupancy is required for all Vacant Commercial Buildings for which a Vacant Building Certificate has been issued prior to re-occupancy; and

   b. A Vacant Commercial Building may require upgrading to meet the following objectives of the Code prior to re-occupancy:

      i. Safety

      ii. Health

      iii. Accessibility for persons with disabilities

      iv. Fire and structural protection of buildings

   c. The designated officer may require that a Code analysis of the building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.

2. Heritage Buildings

   a. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all requirements of the Code when authorized by a designated officer, provided:

      i. the building or structure has been designated as a Heritage Building; and

      ii. any unsafe conditions as described in the Code or this by-law are corrected; and

      iii. the restored building or structure will be no more hazardous with respect to life safety, fire safety and sanitation than the existing building.

3. Exterior Aesthetic Condition

   a. The designated officer may require the repair or replacement of any exterior feature should the feature be in a condition that is deemed unsightly. Exterior features include, but are not limited to, the following:

      i. Exterior parging

      ii. Exterior wall finish

      iii. Roofs and eaves

      iv. Doors and windows

      v. Porches, attached/detached garages, stairs, steps or any other feature appurtenant to the property

      vi. Decks and patios

vii. Fences

4. Foundation Walls and Foundation Supports

   a. Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary, the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.

   b. Where any building is on a surface foundation and the designated officer is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the building, the building may be required to be jacked up, floors be levelled, broken or rotted flooring be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the Municipality's Building By-law.

   c. Basement walls and floors shall be of material impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a floor drain which is connected to a sewerage system or some other approved system.

5. Structurally Sound

   a. Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.

   b. 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 load to which it may be subject.

   c. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

   d. The designed officer may require that a structural analysis of the building be carried out by a professional structural engineer licensed to practice in the Province of Manitoba.

6. Exterior Walls

   a. Every exterior wall shall be free of holes, breaks, loose, or rotting boards or timbers, and any other conditions which might admit the entry of rodents or other pests, rain or dampness to the interior portions of the walls or the interior spaces of the building. Such defective materials or objects shall be removed, repaired or replaced.

   b. All exterior surfaces shall be made of materials which provide adequate protection from the weather.

   c. The exterior walls and their components shall be maintained in a manner that prevents their deterioration due to weather. Maintenance of the exterior walls and their components may consist of wall restoration or repair, coping or flashing, waterproofing of the joints and walls, or coverage with a protective surface where this is necessary to resist deterioration of the structural surface.

7. Roof

   a. A roof includes the facia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the building. Without limiting the generality of this section, the required maintenance may include the eaves troughing and rainwater piping repair or other means as deemed acceptable by the designated officer.

   b. The protective surface of a roof shall be maintained in good repair otherwise replacement of the protective surface may be required if deemed necessary by the designated officer.

   c. Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

8. Dampness

   a. The interior floors, ceilings and walls shall be kept free from dampness that may result from the entrance of moisture through an exterior wall, roof or through a cellar, basement or crawl space floor.

9. Doors and Windows

   a. Every exterior door to a commercial building and every door to a commercial unit within a building, when closed, shall fit reasonably well within its frame and shall have hardware so it is capable of being locked from both inside and outside.

   b. All windows intended to be opened shall be equipped with hardware so they are capable of being locked or otherwise secured from the inside of the building. Every window shall be properly glazed and in good repair.

   c. All windows doors, basement or cellar hatchways and their frames shall be constructed and maintained in regard to wall construction, to completely exclude rain and to substantially exclude wind from entering the structure.

   d. The designated officer may require the repair/replacement of doors, door frames, window frames, sashes casings and door and window hardware or the refitting of doors and windows, installation of weather-stripping and window reglazing.

   e. Every opening in an exterior wall used or required for ventilation or illumination, and not protected by a window or door, and may permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or another durable material, or otherwise protected to effectively prevent the entry of rodents or vermin.

10. Porches, Sheds, Stairs

   a. Every porch, shed and stairway in, on or appurtenant to a property shall be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.

11. Handrails and Guards

   a. Every interior stair that has more than two risers shall have the sides of the stair and the landing or floor level around the stair well enclosed by walls or protected by guards on both sides compliant with the Code.

b. Handrails for stairs shall be not less than 800 mm and not more than 965 mm above a line drawn through the outside edges of the stair nosings and 1070 mm above landings or as per Code requirements.

c. Every exterior stair with more than three risers and every exterior landing or porch exceeding 600 mm or more above grade, and every balcony, mezzanine, gallery, raised walkway, and roof, to which access is provided for other than maintenance purposes, shall be protected by guards on all open sides or per Code requirements.

d. Guards around stairs shall be at least 920 mm in height. All other guards shall be at least 1070 mm in height or as per Code requirements.

e. Guards around exterior stairs and landings more than 10 m above the adjacent ground level shall be at least 1500 mm in height.

f. Openings through a guard shall be sized to prevent the passage of spherical objects having a diameter of 100 mm or as per Code requirements.

g. All handrails and guards shall be maintained in good repair and shall be firmly attached to provide adequate protection against accident and injury.

12. Exterior Fire Escapes

a. A fire escape may be considered a second and separate means of egress for a building, provided it is constructed in conformance with the Code:

b. An existing fire escape will be acceptable as an exit provided it is in a safe condition as determined by the designated officer. If repairs are required, those repairs shall be made in conformance to the Code.

c. If a new fire escape is required, it shall be constructed entirely in conformance with the Code. Prior to construction, drawings and material specifications shall be submitted to the designated officer for approval.

d. Where the construction of a new fire escape or the repair of an existing fire escape is required, the designated officer may require that a structural analysis be performed on said fire escape by a professional structural engineer licensed to practice in the Province of Manitoba and that all remedial action cited in the aforementioned structural analysis be completed to the satisfaction of the professional structural engineer.

13. Walls and Ceilings

a. Every wall and ceiling in a commercial building including door jams and stops, baseboards, and other components, shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards. The designated officer, where he deems necessary, may require that any of the aforementioned components be renewed.

14. Floors

a. Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of holes or cracks and other defects that could be fire or accident hazards, and shall be maintained in a clean and sanitary condition.

b. Floor coverings shall be in good repair, well fitted and capable of being easily kept clean.

c. Any vertical opening in a floor, including but not limited to, service spaces, chutes, air vents and elevator shafts, must be covered or barricaded in a manner that prevents accident or injury.

15. Sewage and Drainage

a. No roof drainage or surface drainage shall be discharged on stairs or neighbouring property, all such drainage shall be conveyed so that it does not cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building.

b. Sewage shall only be discharged into a sewerage system as per provincial regulations.

c. Sewage shall not be discharged onto the surface of the ground whether it be a natural or artificial drainage system or otherwise.

16. Water Supply

a. Every commercial building shall be provided with an adequate supply of potable running water.

17. Maintenance of Yards

a. A yard shall be kept free and clean from:

i. rubbish, garbage, and other debris;

ii. wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and

iii. objects and conditions, including holes and excavations, that are health, fire or accident hazards.

b. A yard shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

c. Vegetation in yards surrounding vacant commercial buildings must be kept trimmed or in a manner that is satisfactory to the designated officer.

18. Walks

a. A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.

b. Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

19. Fences and Accessory Buildings

a. All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

20. Garbage Disposal

a. Garbage disposal shall be in accordance with the Provincial Regulations

21. Unsafe Conditions and Dangerous Buildings

a. When a commercial building or structure or part thereof, or a well, excavation, or opening, is in an unsafe condition, the designated officer may proceed to take action pursuant to the provisions contained in the Municipality's Building By-law as it relates to unsafe conditions.

22. Hazardous Conditions

a. No commercial building, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by the designated officer of the Whitemouth Fire Department under authority of a written permit issued by him.

23. Hazardous Materials

a. The owner must ensure that a copy of the records of the inventory and annual inspection of the hazardous materials contained in a property are available for reference by the designated officer as per the Manitoba *Workplace Safety and Health Act* & Regulations.

24. Heating Requirement

a. Vacant commercial buildings shall be heated so that the temperature therein does not fall below 10 degrees Celsius unless an assessment performed by a professional structural engineer licensed to practice in the Province of Manitoba has deemed it acceptable and safe for the building to remain without heat.

25. Gas and Open Flame Appliances

a. All appliances within a commercial building using open flames such as gas stoves, gas water heaters or other gas appliances must be in good repair and shall be provided with suitable exhaust piping or flues or other adequate means for the removal of the products of combustion.

26. Ventilation

a. Every basement, cellar, crawl space or similar enclosed space within a building must be ventilated sufficiently to prevent the occurrence of mold, mildew and condensation and shall provide an exchange of fresh air;

b. All open or enclosed spaces within a commercial building shall be adequately ventilated, and access of sufficient size to permit entry shall be provided.

27. Plumbing

a. All plumbing in a commercial building including but not limited to plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system shall be protected from freezing, shall be maintained in good working order. All plumbing shall be free from leaks and defects and meet the requirements of the Municipality's Building By-law and Provincial Regulations.

28. Electrical Services

a. Commercial buildings shall be hardwired to an electrical supply system. A continuous supply of hardwired electric power must be available to all areas of the building which shall include, but will not be limited to, the minimum lighting requirements deemed necessary by the Code.

b. The capacity of the electrical service to the commercial building, and the system of circuits distributing the electrical service throughout the building, shall be adequate for the actual or intended use of the building. The designated officer may require that a Certificate of Approval from Manitoba Hydro be provided for the building.

29. Fire Safety Plan

a. The owner of a commercial building to which Part 3 of the Manitoba Building Code applies, or a building to which Part 9 of the Manitoba Building Code applies and in which a fire alarm or sprinkler system has been installed, must submit a Fire Safety Plan with the designated officer within 90 days of the building being identified as vacant.

30. Fire Protection Systems

a. A fire protection system must remain operational and be connected to an approved fire signal receiving centre in compliance with CAN/ULC-S561-03, adopted and published by the Underwriter's Laboratories of Canada, so that the Whitemouth's Fire Department is notified of a fire alarm activation in the building.

SCHEDULE B

TO BY-LAW NO. 712/20

MAINTENANCE STANDARDS FOR VACANT RESIDENTIAL BUILDINGS

1. Re-occupancy of Vacant Residential Buildings

    a. Prior to re-occupancy, a Vacant Residential Building for which a Vacant Building Certificate has been issued must comply, or be made to comply with the Municipality's Building By-Law.

2. Certificate of Re-Occupancy

    a. A Certificate of Re-Occupancy is required for all Vacant Residential Buildings for which a Vacant Building Certificate has been issued prior to re-occupancy; and

    b. A Vacant Residential Building may require upgrading, including but not limited to, in order to meet the following objectives of the Code prior to re-occupancy:

        i. Safety

        ii. Health

        iii. Accessibility for persons with disabilities

        iv. Fire and structural protection of buildings

3. Heritage Buildings

    a. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all requirements of the Code when authorized by a designated officer, provided:

        i. the building or structure has been designated as a Heritage Building; and

        ii. any unsafe conditions as described in the Code or this by-law are corrected; and

        iii. the restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

    b. The designated officer may require that a Code analysis of the building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.

4. Exterior Aesthetic Condition

    a. The designated officer may require the repair or replacement of any exterior feature should the feature be in a condition that it deems unsightly. Exterior features, include but are not limited to, the following:

        i. Exterior parging

        ii. Exterior wall finish

        iii. Roofs and eaves

iv. Doors and windows

v. Porches, attached/detached garages, stairs, steps or any other feature appurtenant to the property

vi. Decks and patios

vii. Fences

5. Foundation Walls and Foundation Supports

a. Every foundation wall forming part of a building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the building or the entrance of moisture, insects or rodents. Where necessary the foundation walls shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks and by parging and waterproofing.

b. Where any building is on a surface foundation and the designated officer is of the opinion that there is settlement or rotting of the beams or joists to such a degree as to adversely affect the habitability of the building, the building may be required to be jacked up, floors be leveled, broken or rotted flooring be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the Municipality's Building By-law.

c. Basement walls and floors shall be of material impervious to ground or other external moisture factors. The floor shall be so constructed as to effectively drain all water into a floor drain which is connected to a sewerage system or some other approved system.

6. Structurally Sound

a. Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.

b. 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 load to which it may be subject.

c. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

d. The designated officer may require that a structural analysis of the building, or a portion thereof, be carried out by a professional structural engineer licensed to practice in the Province of Manitoba.

7. Exterior Walls

a. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit the entry of rodents or other pests, rain or dampness to the interior portions of the walls or the interior spaces of the building. Such defective materials or objects shall be removed, repaired or replaced.

b. All exterior surfaces shall be of made materials which provide adequate protection from the weather.

c. The exterior walls and their components shall be maintained in a manner that prevents their deterioration due to weather. Maintenance

of the exterior walls and their components may consist of wall restoration or repair, coping or flashing, waterproofing of the joints and walls, or coverage with an acceptable protective surface where this is necessary to resist deterioration of the structural surface.

8. Roof

   a. A roof includes the facia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the building. Without limiting the generality of this section, the required maintenance may include the eaves troughing and rainwater piping repair or other means as deemed acceptable by the designated officer.

   b. The protective surface of a roof shall be maintained in good repair deterioration otherwise replacement of the protective surface may be required if deemed necessary by the designated officer.

   c. Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

9. Dampness

   a. The interior floors, ceilings and walls shall be kept free from dampness that may result from the entrance of moisture through an exterior wall, roof or through a cellar, basement or crawl space floor.

10. Doors and Windows

   a. Every exterior door to a residential building and every door to a dwelling unit and every other door to rooms occupied by boarders or lodgers, when closed, shall fit reasonably well within its frame and shall have hardware so it is capable of being locked from both inside and outside.

   b. All doors to dwelling units and/or boarding or lodging units must allow persons within the respective unit to exit without use of a key and must not be secured with a lock and hasp.

   c. All windows intended to be opened shall be equipped with hardware so they are capable of being locked or otherwise secured from the inside of the building. Every window shall be properly glazed and in good repair.

   d. All windows doors, basement or cellar hatchways and their frames shall be constructed and maintained in regard to wall construction, to completely exclude rain and to substantially exclude wind from entering the structure.

   e. The designated officer may require the repair/replacement of doors, door frames, window frames, sashes casings and door and window hardware, or the refitting of doors and windows, installation of weather-stripping and window reglazing.

   f. Every opening in an exterior wall used or required for ventilation or illumination, and is not protected by a window or door, and may permit the entry of rodents or vermin shall be screened with wire mesh, metal grille, or other durable material, or otherwise protected to effectively prevent the entry of rodents or vermin.

11. Screens and Storm Doors

   a. Close-fitting screen doors when provided shall be maintained in good

condition.

b. Storm sashes used in windows required for ventilating purposes shall be provided with sliding or hinged sub-sashes or with any other opening device satisfactory to the designated officer.

c. Where storm windows are installed in a residential building, such windows shall be kept in good repair and glazed.

d. Where considered necessary by the designated officer, properly fitting storm doors or storm windows shall be provided in a residential building.

12. Porches, Sheds, Stairs

a. Every porch, shed and stairway in, on or appurtenant to a property shall be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.

13. Handrails and Guards

a. Every interior stair that has more than two risers shall have the sides of the stair and the landing or floor level around the stair well enclosed by walls or protected by guards at least 900 mm in height on both sides.

b. Handrails for stairs shall be not less than 800 mm and not more than 965 mm above a line drawn through the outside edges of the stair nosings and 1070 mm above landings.

c. Every exterior stair with more than three risers and every exterior landing or porch exceeding 600 mm or more above grade, and every balcony, mezzanine, gallery, raised walkway, and roof, to which access is provided for other than maintenance purposes, shall be protected by guards.

d. All guards shall be at least 1070 mm high, except for guards within dwelling units, guards within houses with secondary suites and guards around interior flights of stairs which shall be at least 900 mm in height above a line drawn through the outside edges of the stair nosings.

e. Guards around exterior stairs and landings not more than 1.8 m above the adjacent ground level shall be at least 900 mm in height. Guards around exterior stairs and landings more than 1.8 m above the adjacent ground level shall be at least 1070 mm in height.

f. Openings through a guard shall be sized to prevent the passage of spherical objects having a diameter of 100 mm.

g. All handrails and guards shall be maintained in good repair and shall be firmly attached to provide adequate protection against accident and injury.

14. Exterior Fire Escapes

a. A fire escape may be considered a second and separate means of egress for a building, provided it is constructed in conformance with the Code.

b. An existing fire escape will be acceptable as an exit provided it is in safe condition as determined by the designated officer. If repairs are required, those repairs shall be made in conformance to the Code.

c. If a new fire escape is required, it is to be constructed entirely in conformance with the Code and prior to construction, drawings and material specifications are required to be submitted to the designated officer for approval.

d. Where the construction of a new fire escape or the repair of an existing fire escape is required, the designated officer may require that a structural analysis be performed on said fire escape by a professional structural engineer licensed to practice in the Province of Manitoba and that all remedial action cited in the aforementioned structural analysis be completed to the satisfaction of the professional structural engineer.

15. Walls and Ceilings

a. Every wall and ceiling in a residential building including door jams and stops, baseboards, and other components, shall be maintained in good condition and free from holes, large cracks, loose plaster and accident hazards. The designated officer, where he deems necessary, may require that any of the aforementioned components be renewed.

b. Waterproof wall finish shall be provided:

i. To a height of at least 1.8 m above the floor in shower stalls;

ii. To a height of at least 1.2 m above the rims of bathtubs equipped with showers; and

iii. To a height of at least 400 mm above the rims of bathtubs not equipped with showers.

c. Acceptable waterproof wall finishes include ceramic, plastic or metal tile, sheet vinyl, tempered hardboard, laminated thermosetting decorative sheets or linoleum.

16. Floors

a. Every floor shall be free of loose, warped, protruding or rotting floor boards, shall be free of holes or cracks and other defects that could be fire or accident hazards, and shall be maintained in a clean and sanitary condition.

b. Floor coverings shall be in good repair, well fitted and capable of being easily kept clean.

17. Sewage and Drainage

a. No roof drainage or surface drainage shall be discharged on stairs or neighbouring property and all such drainage shall be conveyed so that is does not cause dampness in the walls, ceilings, or floors of any portion of the building itself or any adjacent building.

b. Sewage shall only be discharged into a sewerage system in accordance with the provisions of the Provincial Regulations and Municipality's Sewer System By Law.

c. Sewage shall not be discharged onto the surface of the ground whether it be a natural or artificial drainage system or otherwise.

18. Water Supply

a. Every dwelling shall be provided with an adequate supply of potable running water.

b. Every sink, wash basin, bathtub or shower that is used for sanitary purposes in a dwelling shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.

c. Hot water supplied to a dwelling shall be capable of meeting a minimum temperature of 43 degrees Celsius at each tap.

19. Maintenance of Yards

a. A yard shall be kept free and clean from:

i. rubbish, garbage, and other debris;

ii. wrecked, dismantled, partially, dismantled vehicles, trailers and other machinery or any parts thereof; and

iii. objects and conditions, including holes and excavations, that are health, fire or accident hazards.

b. A yard shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

c. Vegetation in yards surrounding vacant dwellings must be kept trimmed or in a manner that is reasonably satisfactory to the designated officer.

20. Walks

a. A walk shall be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street and such walk shall be kept reasonably clear of snow and ice.

b. Every sidewalk, driveway and parking space and all exterior steps shall be kept in good repair and shall be maintained so as to afford safe passage under normal use and weather conditions.

21. Fences and Accessory Buildings

a. All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

22. Garbage Disposal

a. Garbage disposal shall be in accordance with the Provincial Regulations.

23. Unsafe Conditions and Dangerous Buildings

a. When a residential building or structure or part thereof, or a well, excavation or opening, is in an unsafe condition, the designated officer may proceed to take action pursuant to the provisions contained in the Municipality's Building By-law as it relates to unsafe conditions.

24. Hazardous Conditions

a. No residential building, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by a designated officer of the Whitemouth Fire Department under authority of a written permit issued by him.

25. Hazardous Materials

a. The owner must ensure that a copy of the records of the inventory and annual inspection of the hazardous materials contained in a property are available for reference by the designated officer as per the Manitoba *Workplace Safety and Health Act* & Regulations.

26. Heating Requirements

a. Residential vacant buildings shall be heated so that the temperature therein does not fall below 10 degrees Celsius.

b. Any space within a residential building containing fuel-burning equipment shall have a natural or mechanical means of supplying fresh air for combustion and shall be vented in compliance with the Manitoba Building Code.

c. All chimneys, smoke pipes and flues of a residential building shall not permit any gases, water or other liquid to leak into the dwelling, shall be clear of obstructions and shall have no defective masonry or metal components.

d. Where a heating system or part of a heating system in a residential building burns solid or liquid fuel, a receptacle approved by the Department of Labour for the storage of fuel must be provided and maintained in a location that is free from fire or other hazards.

e. A designated officer may require that a Certificate of Approval from Manitoba Hydro be provided for a fuel-burning appliance.

f. Every fireplace used or intended to be used in a residential building for burning fuels in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.

g. Solid fuel burning appliance must comply with the latest standards referenced in the Code.

27. Gas and Open Flame Appliances

a. All appliances within a residential building using open flames such as gas stoves, gas water heaters or other gas appliances must be in good repair and shall be provided with suitable exhaust piping or flues or other adequate means for the removal of the products of combustion.

28. Ventilation

a. Every basement, cellar, crawl space or similar enclosed space within a building must be ventilated sufficiently to prevent the occurrence of mold, mildew and condensation and shall provide an exchange of fresh air.

b. All open or enclosed spaces within a residential building shall be adequately ventilated, and access of sufficient size to permit entry shall be provided.

29. Plumbing

a. All plumbing in a residential building including but not limited to plumbing fixtures, drains, water pipes and connecting lines to the water and sewer system shall be protected from freezing, shall be maintained in good working order. All plumbing shall be free from leaks and defects

and meet the requirements of the Municipality's Building By-law and Water and meet provincial regulations.

30. Electrical Services

a. Residential buildings shall be hardwired to an electrical supply system. A continuous supply of hardwired electric power must be available to all areas of the building which shall include, but will not be limited to, the minimum lighting requirements deemed necessary by the Code.

b. The capacity of the electrical service to the residential building and the system of circuits distributing the electrical service throughout the building shall be adequate for the actual or intended use of the building. A designated officer may require that a Certificate of Approval from Manitoba Hydro be provided.

31. Smoke Alarm and Carbon Monoxide Alarm Systems

a. All residential buildings used as revenue earning or rental dwelling units, shall contain at least one smoke alarm or carbon monoxide (CO) alarm certified by the Underwriters Laboratories of Canada (ULC) or Canadian Standards Association (CSA).

SCHEDULE C

TO BY-LAW NO. 712/20

MAINTENANCE STANDARDS FOR BOARDED BUILDINGS

1. Re-Occupancy of Boarded Commercial or Boarded Residential Buildings

   a. Prior to re-occupancy of either a boarded commercial or boarded residential building, the building shall be in compliance with the re-occupancy standards of this By-law as outlined in Schedule A, "Maintenance Standards for Vacant Commercial Buildings" or Schedule B, "Maintenance Standards for Vacant Residential Buildings".

2. Heritage Buildings

   a. (a) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all requirements of the Code when authorized by a designated officer, provided:

      i. the building or structure has been designated as a Heritage Building; and

      ii. any unsafe conditions as described in the Code or this by-law are corrected; and

      iii. the restored building or structure will be no more hazardous with respect to life safety, fire safety and sanitation than the existing building.

3. Structurally Sound

   a. Basement, cellar or crawl space floors shall be maintained in good repair and structurally sound and where necessary shall be so maintained by the installation of subsoil drains at the footing, grouting cracks, parging and damp-proofing.

   b. 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 load to which it may be subject.

   c. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

   d. The designated officer may require that a structural analysis of the building, or a portion thereof, be carried out by a professional structural engineer licensed to practice in the Province of Manitoba and any remedial action deemed necessary by said structural analysis shall be completed forthwith and to the satisfaction of the professional structural engineer.

4. Exterior Walls

   a. (a) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit the entry of rodents or other pests, rain or dampness to the interior portions of the walls or the interior spaces of the building. Such defective materials or objects shall be removed, repaired or replaced.

   b. All exterior surfaces shall be made of materials which provide adequate protection from the weather.

c. The exterior walls and their components shall be maintained in a manner that prevents their deterioration due to weather. Maintenance of the exterior walls and their components may consist of wall restoration or repair, coping or flashing, waterproofing of the joints and walls, or coverage with an acceptable protective surface where this is necessary to resist deterioration of the structural surface.

5. Roof

a. (a) A roof includes the facia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the building. Without limiting the generality of this section, the required maintenance may include the eavestroughing and rainwater piping repair or other means as deemed acceptable by the designated officer.

b. The protective surface of a roof shall be maintained in good repair to resist its deterioration or replacement of the protective surface may be required if deemed necessary by the designated officer.

c. Dangerous accumulations of snow or ice or both shall be removed from the roof of any building or part thereof.

6. Dampness

a. The interior floors, ceilings and walls shall be kept free from dampness that may result from the entrance of moisture through an exterior wall, roof or through a cellar, basement or crawl space floor.

7. Porches, Sheds, Stairs, Attached/Detached Garages

a. Every porch, shed, stairway and attached/detached garage in, on or appurtenant to a building shall be maintained in good repair so that no component is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment to which it was designed or constructed, or is without a protective surface.

8. Sewage and Drainage

a. No roof drainage or surface drainage shall be discharged on stairs or neighbouring property and all such drainage shall be conveyed so that it does not cause dampness in the walls, ceilings or floors of any portion of the building itself or any adjacent building.

b. Sewage shall only be discharged into a sewerage system in accordance with the provisions of the Provincial Regulations and Municipality's By-law.

c. Sewage shall not be discharged onto the surface of the ground whether it be a natural or artificial drainage system or otherwise.

d. Rainwater shall not be discharged into the Municipality's sewerage system by means of conduit. Such drainage shall be directly or indirectly channeled into the storm sewer system or into surface drainage channels. Drainage by way of weeping tiles into the Municipality's sewerage system shall be allowed.

e. Disconnection of sewage systems shall be in compliance with the Municipality's by-laws and policies.

9. Maintenance of Yards

a. A yard shall be kept free and clean from:

i. rubbish, garbage, and other debris;

ii. wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and

iii. objects and conditions, including holes and excavations, that are health, fire or accident hazards.

b. A yard shall be graded in such a manner as to prevent the excessive or recurrent ponding of storm water or the entrance of water into a basement or cellar and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

c. Vegetation in yards surrounding boarded buildings must be kept trimmed or in a manner that is reasonably satisfactory to the designated officer.

10. Fences

a. All fences shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

11. Garbage Disposal

a. Garbage disposal shall be in accordance with the Provincial Regulations for Collection and Disposal.

12. Unsafe Conditions and Dangerous Buildings

a. When a building or structure or part thereof, or a well, excavation or opening, is in an unsafe condition, the designated officer may proceed to take action pursuant to the provisions contained in the Municipality's Building By-law as it relates to unsafe conditions.

13. Hazardous Conditions

a. No building, or any part thereof, or the lot upon which it is situated shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor of any combustible article, except under such conditions as may be prescribed by a designated officer of the Whitemouth Fire Department under authority of a written permit issued by him.

14. Hazardous Materials

a. The owner must ensure that a copy of the records of the inventory and annual inspection of the hazardous materials contained in a property are available for reference by the designated officer as per the Manitoba *Workplace Safety and Health Act* & Regulations.

15. Boarding Requirements for All Structures On Property

a. All doors, windows and other openings at the basement and first floor levels shall be covered with a solid piece of plywood, at least 11 mm thick and the plywood shall be secured with nails at least 50 mm long, spaced not more than 150 mm on centre;

b. Unless otherwise accepted by the designated officer, all doors, windows and other openings on the second and third floors shall be covered with a solid piece of plywood, at least 8 mm thick that shall be adequately nailed or otherwise secured;

c. The principal entrance for the building shall be covered with a solid piece

of plywood at least 11 mm thick, secured with screws 50 mm in length, spaced not more than 150 mm on centre;

d. Plywood applied to openings shall be installed from the exterior for all openings on the first and second floor levels and may be installed from on either the interior or exterior for openings located on the third floor and higher. All plywood shall be fitted within the frames in a manner acceptable to the designated officer and shall be painted with two coats of white paint on the exterior side;

e. Openings that are not covered with plywood shall be cleared of broken glass and any other loose material;

f. Exterior access to floor areas above the first floor, such as fire escapes and ladders shall be:

   i. removed up to the second-floor level or to a height of 4 meters above the ground, whichever is lesser; or

   ii. guarded to the satisfaction of the designated officer;

g. Openings to passageways shall be adequately secured and protected. Openings in a street or sidewalk to any passageways shall be covered with an appropriate metal plate, having a thickness not less than 8 mm and the plate shall be anchored or secured to prevent it from shifting. Alternatively, the areaway may be filled with concrete or unshrinkable fill to the satisfaction of the authority having jurisdiction;

h. Facia signs, overhanging signs, roof signs and all other appurtenances, such as sun visors or awnings, shall be removed if they are in a dangerous condition or could create such a condition;

i. All loose material on the exterior of the building shall be removed and any condition which may become a hazard or danger to the public shall be corrected;

j. Utilities, including but not limited to, hydro, gas and water, shall be cut off or shut off to the satisfaction of the utility concerned.

SCHEDULE D

TO BY-LAW NO. 712/20

ORDER TO MAINTAIN

TO: {NAME & ADDRESS OF REGISTERED OWNER} as registered owner

FROM: THE RURAL MUNICIPALITY OF WHITEMOUTH

PURSUANT to the Rural Municipality of Whitemouth Vacant and Derelict Building By-law No. 712/20 an Inspector for the Rural Municipality of Whitemouth inspected the land, building and premises commonly known as:

{CIVIC ADDRESS},

in the Rural Municipality of Whitemouth, in Manitoba, said property being legally described as:

{LEGAL DESCRIPTION and ROLL NUMBER}

the registered owner of the said property being:

{NAME OF REGISTERED OWNER}

and as a result of this inspection, the Inspector is satisfied that the land, building, and premises do not comply with the standards prescribed in the said By-law in that:

{LIST OF NON-COMPLIANCE ITEMS}

The above are contraventions of Section(s):

{LIST SECTION NUMBERS OF BY-LAW CONTRAVENTIONS}

PURSUANT to SECTION 16 of the said By-law, {NAME OF INSPECTOR} (designated officer), being an Inspector of the Rural Municipality of Whitemouth herewith orders you to bring the property into conformity with the provisions of the said by-law and herewith orders you to bring the said property into conformity with the provisions of the said by-law within _____ days from the date of service of this Order.

{A BUILDING PERMIT UNDER THE MUNICIPALITY'S BUILDING BY-LAW WILL BE REQUIRED TO DO THE WORK NECESSARY TO COMPLY WITH THE VACANT AND DERELICT BUILDING STANDARDS BY-LAW.}

PURSUANT to SECTION 20 of the said by-law, the owner(s) or a person authorized in writing by him/her to act on his/her behalf, may appeal this Order or any provisions hereof by filing with the Municipal Clerk, a NOTICE OF OBJECTION within FOURTEEN (14) DAYS following the service of this Order.

SECTION 23 of the said by-law provides:

"Where an owner has failed to comply with an Order either of an inspector or an Order made by Council, as the case may be, then the Authority having jurisdiction may cause the non- conformance to be corrected without any further notice to the owner. The entire costs of correcting the non-conformance are considered an amount owing to the Municipality as per provisions of The Municipal Act and shall be added to the taxes of the owner."

SIGNED at the Rural Municipality of Whitemouth, in Manitoba, this day of A.D. 20__.

Rural Municipality of Whitemouth

Per: _____

DESIGNATED OFFICER

SCHEDULE E

TO BY-LAW NO.712/20

PRELIMINARY DERELICT BUILDING ORDER

RE: {LEGAL DESCRIPTION OF PROPERTY}

commonly known as_____ {CIVIC ADDRESS} in the Rural Municipality of Whitemouth:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant and Derelict Buildings By-law No. 712/20, on_{DATE};

AND WHEREAS I am satisfied on the basis of the inspection of the above-noted property by an enforcement officer with authority to enforce the Vacant and Derelict Buildings By-law that the property continues to be in contravention of the Vacant and Derelict Buildings By-law;

THEREFORE, TAKE NOTICE THAT

The above-noted property is a derelict property as defined in *The Municipal Act* of Manitoba.

The above-noted property may be transferred to the Rural Municipality of Whitemouth if it is not brought into compliance with the Vacant and Derelict Building By-law within ninety (90) days after this Order has been served on the registered owner.

AND FURTHER TAKE NOTICE THAT

You may have a right to appeal this Order to the Council of the Rural Municipality of Whitemouth. Your appeal must be in writing and must be received by the Chief Administrative Officer of the Municipality, at 49 Railway Avenue, Whitemouth, MB, within ninety (90) days after this order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant and Derelict Building By-law No.712/20 please contact _____ at 204 _____ - _____.

_____ _____

Designated Officer Date

SCHEDULE F

TO BY-LAW NO. 712/20

SECOND NOTICE OF A PRELIMINARY DERELICT BUILDING ORDER

RE: {LEGAL DESCRIPTION OF PROPERTY}

commonly known as_____{CIVIC ADDRESS)
in the Rural Municipality of Whitemouth:

WHEREAS a Preliminary Derelict Building Order in respect of the above-noted property was issued on_____{DATE} (copy attached);

AND WHEREAS more than thirty (30) days have passed since all the persons required by *The Municipal Act* of Manitoba to be served with a copy of the Preliminary Derelict Building Order were served with a copy of the Order;

AND WHEREAS the property continues to remain a derelict property in that it is not in compliance with the Vacant and Derelict Building By-law;

THEREFORE TAKE NOTICE THAT:

Unless the above-noted property is brought into compliance with the Vacant and Derelict Building By-law within sixty (60) days after this Second Notice is served on the registered owner of the property and the interested persons on whom it is required to be served

- Title to the above-noted property may be issued in the name of the Rural Municipality of [municipality name]; and

- You may be forever estopped and debarred from setting up any claim to or in respect of the property.

You have a right to appeal the Preliminary Derelict Building Order or the time period set out in it for bringing the property into compliance with the Vacant and Derelict Building By-law No. 712/20 to Council of the Municipality. Your appeal must be in writing and must be received by the Chief Administrative Officer of the Municipality, at 49 Railway Avenue, Whitemouth, MB, within sixty (60) days after this order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant and Derelict Buildings By-law No. 712/20 please contact _____ at 204 _____ - _____.

_____ _____

Designated Officer Date

SCHEDULE G

TO BY-LAW NO. 712/20

STATUTORY DECLARATION

RE: {LEGAL DESCRIPTION OF PROPERTY}

commonly known as_____ {CIVIC ADDRESS} in the Rural Municipality of Whitemouth:

I,_____, a Designated Officer for the purposes of the Vacant and Derelict Building By-law No.712/20

MAKE OATH (OR AFFIRM) AND SAY THAT

- A Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ {DATE} (Exhibit A) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ {DATE} (Exhibit B). Both the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order have been registered at The Property Registry and have been served in accordance with *The Municipal Act* of Manitoba.

- The time period for bringing the above-noted property into compliance with the Vacant and Derelict Building By-law provided in the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order has expired.

- The time period within which an appeal against the Preliminary Derelict Building Order may be taken has expired or, if an appeal against the Order was taken, the appeal has been decided and the decision either (a) confirmed the Order or (b) varied the Order but the person has not complied with the Order as varied.

- I am satisfied on the basis of inspections carried out by me or by other employees of the Rural Municipality of Whitemouth who are authorized to enforce the Vacant and Derelict Building By-law that the property continues to be in contravention of the By-law.

Sworn or affirmed before me this ___ day of _____, 20___, in the _____ of _____ in the Province of Manitoba.)

_____
Commissioner for Oaths in and for the Province of Manitoba.
My Commission expires:
Name:
Phone:

_____
Designated Officer