



# Town of Snow Lake



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## THE TOWN OF SNOW LAKE

### BY-LAW NUMBER 981-21

**BEING A BYLAW OF THE TOWN OF SNOW LAKE 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 BYLAW".**

#### **SHORT TITLE: VACANT AND DERELICT BUILDING BYLAW**

**WHEREAS** The Town of Snow Lake is empowered by Part 7, Division 2, Section 232(1)(c.1) of the Municipal Act (Manitoba) to pass a Bylaw with the respect to the condition and maintenance of vacant residential and commercial buildings;

**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, vermin infestation, or other safety hazards;

**AND WHEREAS** the Town of Snow Lake deems it expedient and in the public interest to establish a Bylaw to regulate the condition and maintenance of vacant, unsafe, and unsightly buildings;

**AND WHEREAS** Section 247.2 of the Municipal Act (Manitoba) provides for a process by which a municipality may take title to vacant and derelict buildings;

**AND WHEREAS** it is 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 (Manitoba);

**NOW THEREFORE** The Council of the Town of Snow Lake, duly assembled, enacts as follows:

#### **PART 1: DEFINITIONS**

1.01 In this Bylaw:

ACT means the Municipal Act (C.C.S.M. c.M225)

APPEAL PERIOD has the meaning attributed thereto in Sections 4.05 below

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;

BOARDED BUILDING PERMIT means a permit issued for a Boarded Building that is in compliance with the provisions of this Bylaw;

**BUILDING** means any structure used or intended for supporting or sheltering any use or any occupancy and includes any Residential Building or Commercial Building;

**BYLAW** means this "Vacant and Derelict Building Bylaw 980-21";

**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;

**COMMERCIAL BUILDING** means any building that is not a Residential Building but may contain a legally established Dwelling unit(s);

**COMMITTEE** means the Strategic Property Planning Committee appointed by the Council of the Town of Snow Lake and charged with the responsibility of hearing and making decisions on appeals to Orders issued pursuant to the provisions of this Bylaw;

**DERELICT PROPERTY** means property upon which is located an unoccupied Residential or Commercial Building that is not in compliance with the provisions of this Bylaw;

**DERELICT BUILDING CERTIFICATE** has the meaning attributed thereto in 4.09 below;

**DESIGNATED OFFICER** means the Chief Administrative Officer of the Town of Snow Lake and any employee or contractor of the Town to whom the CAO has delegated authority or duly granted or imposed under this Bylaw;

**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;

**INSPECTOR** means Building Inspector or any other person or agency employed by or acting for the Town of Snow Lake and partially or wholly responsible for the Building safety and property standards within the Town of Snow Lake;

**NON-CONFORMANCE** means a condition which does not comply with the standards established by this Bylaw;

**NOTICE OF OBJECTION** has the meaning attributed thereto in Section 3.03(b) below;

**ORDER TO MAINTAIN** has the meaning attributed thereto in Section 3.02 below;

**OWNER** means the registered property Owner of the land and premises and includes:

- The person that for at all material times is the managing or receiving the rent of the land or premises in connection with which the word "Owner" is used; whether on their own account or as agent or trustee of any other person;
- The person who would so receive the rent if such land and premises were let;
- 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;
- The person that all material times is receiving installments of the purchase price of the land or premises in connection with which the "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
- 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.

**PRELIMINARY DERELICT BUILDING ORDER** has the meaning attributed thereto in Section 4.01 below;

**RESIDENTIAL BUILDING** means a Building primarily designed for or has been used for residential occupancy by way of Dwelling unit(s), but may also be designed for or used for a secondary occupancy;

SECOND NOTICE OF PRELIMINARY DERELICT BUILDING ORDER has the meaning attributed thereto in Section 4.05 below;

STANDARDS means the standards prescribed in this Bylaw 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;

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;

VACANT means, in relation to a Building, an Building that is not being used or occupied;

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; and

VACANT BUILDING CERTIFICATE means a certificate issued to a Vacant Residential or Commercial Building that is in compliance with the provisions of this Bylaw.

## **PART II - STANDARDS**

**2.01 Inspection of Vacant or Boarded Buildings.** In addition to any other inspections of Vacant Building or Boarded Building to enforce or administer this Bylaw, Inspectors are authorized to conduct full inspections of the exterior and interior of a Vacant or Boarded Building to determine compliance with the Maintenance Standards for Vacant Commercial Buildings Regulation, the Maintenance Standards for Vacant Residential Buildings Regulation, or the Maintenance Standards for Boarded Buildings Regulation. The Owner of the Vacant Building or Boarded Building being inspected must pay any inspection fee established by the Town of Snow Lake for the inspection.

**2.02 Requirements for all Vacant Buildings.** The Owner of a Vacant Building must ensure that the premises is in compliance with the standards set out in the Maintenance Standards for Vacant Commercial Buildings Regulation or the Maintenance Standards for Vacant Residential Buildings Regulation, as applicable.

**2.03 Vacant Building Permit.**

- A building may remain Vacant in accordance with Section 2.02 above provided that a Vacant Building Certificate is obtained and any required inspection fees are paid.
- A Vacant Building Certificate must be obtained within ninety (90) days of notification by the Designated Officer that Building has been identified as Vacant.
- Upon annual payment of any inspection fee as designated in the Town of Snow Lake's fee schedule, the Owner of a Building may renew a Vacant Building Certificate, annually for periods of one (1) year each.

**2.04 Requirements for all Boarded Buildings.**

- An unoccupied or open and unguarded Building to which entry can be gained shall be deemed an Unsafe Building.
- The Owner of an Boarded Building must ensure that the Building is secure from unauthorized entry in accordance with the Maintenance Standards for Boarded Buildings Regulation.

**2.05 Boarded Building Permit.**

- A Building may remain boarded up in accordance with the Maintenance Standards for Boarded Buildings Regulation, provided that a Boarded Building Permit is obtained.
- An Owner shall obtain a Boarded Building Permit within twenty-one (21) days of notification of the requirement to obtain a Boarded Building Permit by a Designated Officer.
- Upon payment of any application or permit fee as designated in the Town of Snow Lake's Annual Fee Schedule, the Owner of a Building may obtain a Boarded Building Permit for that Building, valid for a period of one (1) year after being issued and renewable on an annual basis.

### **PART III - ORDER TO MAINTAIN**

3.01 **Order to Maintain.** Any inspector may, at all reasonable times, without the consent of the Owner or occupier of the Building and upon production of the necessary authority, if demanded, enter upon any Building or premises in the Town of Snow Lake that is boarded or appears to be Vacant for the purposes of determining:

- (a) Whether the Building is Vacant; and
- (b) Whether the Building complies with this Bylaw.

3.02 **Issuance of an Order to Maintain.**

- If, as a result of the inspection of any Vacant Building, or Boarded Building, an inspector is satisfied that the Vacant Building, or Boarded Building does not comply with the standards set forth in the Maintenance Standards for Vacant Commercial Buildings Regulation, Maintenance Standards for Vacant Residential Buildings Regulation or Maintenance Standards for Boarded Buildings Regulation, as applicable they may make an order to maintain ("**Order to Maintain**"), a copy of which shall be served on the Owner by personal service or by certified or registered mail to the Owners address as last shown on the latest assessment roll of the Town of Snow Lake and which shall also be subject to an Order Issuance Fee as designated in the Town of Snow Lake's Fee Schedule. When service cannot be effected by personal service or by certified or registered mail, then such Order to Maintain and/or a placard may be posted on the Vacant Building or Boarded Building.
- If, upon attempt to effect service of an Order to Maintain, an inspector learns that the Owner of the Vacant Building or Boarded Building is deceased, the Order to Maintain shall be served upon the executor, administrator, successor or assignee of the deceased Owner. If such party cannot be located, service shall be effected by posting the Order to Maintain and/or a placard on the Vacant Building or Boarded Building.
- The Order to Maintain shall contains:
  - i. the legal description of the property on which the Vacant Building or Boarded Building sits;
  - ii. the particulars of each Non-Conformance and the date by which each Non-Conformance must be corrected; and
  - iii. except in the case of an immediately dangerous Non-Conformance, the final date for delivering a Notice of Objection, and may also contain an outline of what action may be taken to correct the Non-Conformance of the Vacant Building or Boarded Building and any other information that the inspector deems necessary.
- Except in the case of immediately dangerous Non-Conformance, the date by which an Owner shall have to correct the Non-Conformance of the Vacant Building or Boarded Building, shall be a minimum of twenty-one (21) days from the date of service of the Order to Maintain. If the Order to Maintain is served by mail, the Order to Maintain shall be deemed to have been served and received by the Owner on the date of the 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.
- 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 they are 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 area of the Vacant Building or Boarded Building 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 to Maintain, as set forth in Section 3.03 (a) below, provided the Owner shall have seven (7) days from the date of postponement to appeal the duration of the postponement.

3.03 **Right to Appeal.**

- (a) Except in the case of immediately dangerous Non-Conformance in which case no appeal shall be permitted, the Owner, or a person authorized in writing to act on behalf of the Owner, may appeal any provision of an Order to Maintain by filing with the Committee a notice of objection (a "**Notice of Objection**") to the Order to Maintain within fourteen (14) days of receipt of the Order to Maintain.
- (b) Except in the case of immediately dangerous Non-Conformance in which case no appeal shall be permitted, the filing of a Notice of Objection shall operate as a stay of proceedings to correct the Non-Conformance, pending consideration of the appeal by the Committee.

- (c) Any failure to comply with a decision or order of the Committee is an offence subject to Section 3.05 below.

#### 3.04 **Non-Compliance.**

- (a) Where an Owner has failed to comply with an Order to Maintain either of an Inspector or the Committee, 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 cost of correcting the Non-Conformance, including but not limited to, legal fees, disbursements and administrative fees, shall be considered an amount owing to the Town of Snow Lake pursuant to provisions of the Act and be collected in the same manner a tax may be collected or enforced in accordance with the Act.
- (b) In the case of immediately dangerous Non-Conformance, the Designated Officer may take whatever actions or measures are necessary to eliminate the Non-Conformance pursuant to Section 246 of the Act.

#### 3.05 **General Offence and Penalty.**

- (a) Every person who contravenes, or refuses, neglects, omits, or fails to obey or observe any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine, pursuant to subsection 249(1) of the Act, not exceeding Five Hundred (\$500) Dollars and/or imprisonment for a term not exceeding three (3) months or at the discretion of the Designated Officer, a penalty in accordance with Section VI of this Bylaw.
- (b) Every person who obstructs or interferes with an inspector in the performance of their duties under the authority of this Bylaw is guilty of an offence and is liable on summary conviction to the same penalties as set out in subsection (a) above.

### **PART IV - DERELICT BUILDING ORDERS**

#### 4.01 **Preliminary Derelict Building Order.** A Designated Officer shall issue a preliminary derelict building order (a "**Preliminary Derelict Building Order**") in respect of a property if they are satisfied that:

- (a) The Owner of the property has been found guilty of contravening this Bylaw; and
- (b) The property continues to be in contravention of this Bylaw for a period of twenty one (21) days.

#### 4.02 **Form of Order.** A Preliminary Derelict Building Order 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 Town of Snow Lake if it is not brought into compliance with this Bylaw.

#### 4.03 **Service.** The Designated Officer who issues a Preliminary Derelict Building Order must ensure that a copy of the Preliminary Derelict Building Order is:

- (a) Promptly registered against the Derelict Property at the Manitoba Land Titles Office; and
- (b) Personally served on the Owner of the Derelict Property and on every other person who, as of that date, is registered at the Manitoba Land Titles Office and appears from the records to have an interest in the Derelict Property.

#### 4.04 **Time Frame for Compliance.** The Owner of the Derelict Property shall have ninety (90) days from service of the Preliminary Derelict Building Order to bring the property into compliance with this Bylaw.

#### 4.05 **Right to Appeal.** The Owner, or a person authorized in writing to act on behalf of the Owner, may appeal the Preliminary Derelict Building Order to the Committee. The appeal must be made in writing and must be received by the Office of the CAO within ninety (90) days after the Preliminary Derelict Building Order has been served on the Owner of the Derelict Property (the "**Appeal Period**").

#### 4.06 **Second Notice of Preliminary Derelict Building Order.** A second notice of the Preliminary Derelict Building Order (a "**Second Notice of Preliminary Derelict Building Order**") may be issued by the Designated Officer if a Derelict Property continues to remain a Derelict Property for more than thirty (30) days following service of the Preliminary Derelict Building Order.

#### 4.07 **Form of Second Notice of Preliminary Derelict Building Order.** A second Notice of Preliminary Derelict Building Order must include:

- (a) The legal description of the Derelict 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 this Bylaw within sixty (60) days, title to the property may be issued in the name of the Town of Snow Lake 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 Owner has the right to have the Committee review the Preliminary Derelict Building Order or the time period set out to bring the Derelict Property into compliance, provided that such request must be made within sixty (60) days following service of the Second Notice of Preliminary Derelict Building Order.

**4.08 Service of Second Notice of Preliminary Derelict Building Order.** The Designated Officer must ensure that a copy of the Second Notice of Preliminary Derelict Building Order is:

- (a) Promptly registered against the Derelict Property at the Manitoba Land Titles Office; and
- (b) Personally served on the Owner of the Derelict Property and on every other person who, as of that date, is registered at the Manitoba Land Titles Office and appears from the records to have an interest in the Derelict Property.

**4.09 Application for Derelict Building Certificate.**

(a) The Designated Officer may apply to the Committee for a certificate designating a property as a Derelict Property (a "**Derelict Building Certificate**") if:

- (i) a Preliminary Derelict Building Order and a Second Notice of Preliminary Derelict Building Order have been issued, registered and served in accordance with the provisions contained herein;
- (ii) the time period for bringing the Derelict Property into compliance with the Vacant and Derelict Building Bylaw provided in the Second Notice of Preliminary Derelict Building Order has expired;
- (iii) the period to appeal the Preliminary Derelict Building Order has expired, or if the Committee has reviewed the Preliminary Derelict Building Order and either (x) confirmed the Preliminary Derelict Building Order, or (y) varied the Preliminary Derelict Building Order, but the varied Preliminary Derelict Building Order, has not been complied with; and
- (iv) the Designated Officer is satisfied that the Building continues to be in contravention of the Vacant and Derelict Building Bylaw.

(b) When applying for a Derelict Building Certificate, the Designated Officer must provide to the Committee, a completed and sworn or affirmed statutory declaration.

(c) The Committee upon receipt of an application for a Derelict Building Certificate, may, by resolution, issue a Derelict Building Certificate if there is evidence that the property continues to be a Derelict Property, and in the opinion of the Committee, there is a satisfactory plan for redeveloping the property.

**4.10 Issuance of a Derelict Building Certificate.** When a Derelict Building Certificate is issued, the Designated Officer may:

- (a) Register the Derelict Building Certificate against the Derelict Property with the Manitoba Land Titles Office; and
- (b) Apply to the registrar at the Manitoba Land Titles Office for title to the Derelict Property to be issued in the name of the Town of Snow Lake, within 120 days of issuance of the Derelict Building Certificate.

## **PART V: GENERAL**

**5.01 Conflict with Other Bylaws.** Where a provision of this Bylaw conflicts with a provision of another Bylaw in force and effect in the Town of Snow Lake, the provision that establishes the higher standard to protect the health, safety, and welfare of the general public shall prevail.

**5.02 Regulations.** The Maintenance Standards for Vacant Commercial Buildings Regulation, the Maintenance Standards for Vacant Residential Buildings Regulation, and the Maintenance Standards for Boarded Buildings Regulation form part of this Bylaw.

**PART VI: REPEAL AND ENACTMENT**

6.01 **Enactment.** This Bylaw shall come into full force and take effect on the **20th** day of **April** 2021.

**Done and passed by the Council of the Town of Snow Lake in regular session duly assembled this 20<sup>th</sup> Day of April , 2021**

**The Town of Snow Lake**

**-signed-**

**Per: \_\_\_\_\_**

**Mayor –Peter Roberts**

**-signed-**

**Per: \_\_\_\_\_**

**CAO – Robert Hedley**

Read a first time this **6th** day of **April** A.D. 2021.

Read a second time this **20th** day of **April** A.D. 2021.

Read a third and final time this **20th** day of **April** A.D. 2021.

**MAINTENANCE STANDARDS FOR VACANT COMMERCIAL BUILDINGS REGULATION**

In this Regulation:

**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 Bylaw as applicable;

**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;

**COMMERCIAL BUILDING** means any Building that is not a Residential Building but may contain a legally established Dwelling unit (s);

**DESIGNATED OFFICER** means the Chief Administrative Officer of the Town of Snow Lake and any employee of the Town to whom they have been delegated authority or duty granted or imposed under the Vacant and Derelict Building Bylaw;

**DWELLING** includes any Commercial Building, part of a Commercial 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 Commercial Building;

**FIRE PROTECTION SYSTEM** includes but not limited to, any fire alarm system, sprinkler system or standpipe system or one or more private hydrants;

**OWNER** means the registered property Owner of the land and premises and includes:

- (a) 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 their own account or as agent or trustee of any other person;
- (b) The person who would so receive the rent if such land and premises were let;
- (c) 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;
- (d) 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
- (e) 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;

**VACANT** means, in relation to a Building, a Building that is not being used or occupied;

**VACANT COMMERCIAL BUILDING** means a previously occupied Commercial Building or unit thereof that is not presently being used or occupied for which a Vacant Building Certificate has been issued; and

**VACANT BUILDING CERTIFICATE** means a certificate issued to a Vacant Commercial Building that is in compliance with the provisions of the Vacant and Derelict Building Bylaw.

**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.
- (b) A Vacant Commercial Building may require upgrading to meet the following objectives of the Code prior to re-occupancy: Safety, Health, Accessibility for persons with disabilities, and Fire and structural protection of Commercial Buildings, and
- (c) The Designated Officer may require that a Code analysis of the Commercial Building be carried out by a professional designer licensed to practice in the Province of Manitoba prior to re-occupancy.

**2. 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: exterior parging, exterior wall finish, roofs and eaves, doors and windows, porches, attached/detached garages, stairs, steps, or any other feature appurtenant to the property, decks, patios, and fences.

**3. Foundation Walls and Foundation Supports.**

- (a) Every foundation wall forming part of a Commercial Building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the Commercial Building or 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 Commercial 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 Commercial Building, the Commercial Building may be required to be jacked up, floors be levelled, broken or rotted flooring to be renewed, and a concrete surface foundation be constructed or concrete piers be installed in compliance with the provisions of the Town of Snow Lake's Building Bylaw.
- (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.

**4. 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 Commercial 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 Commercial Building be carried out by a Professional Structural Engineer licensed to practice in the Province of Manitoba.

**5. 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 Commercial 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.

**6. Roof.**

- (a) A roof includes the fascia board, soffit, cornice and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the Commercial 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 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 Commercial Building or part thereof.

**7. Dampness.** 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.

**8. Doors and Windows.**

- (a) Every exterior door to a Commercial Building and every door to a commercial unit within a Commercial 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 Commercial 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 regards 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 re-glazing.
- (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.

**9. Porches, Sheds, and Stairs.** 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.

**10. 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 in height 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 as 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 as 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 and accident and injury.

**11. Exterior Fire Escapes.**

- (a) A fire escape may be considered a second and separate means of egress for a Commercial 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.

**12. Walls and Ceilings.** 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.

**13. Floors.**

- (a) Every floor shall be free of loose, warped, protruding, or rotting floor boards shall be free of holes or cracks or 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.

**14. 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 Commercial Building itself or any adjacent building.
- (b) Sewage shall only be discharged into a sewerage system in accordance with rules outlined by any relevant local Bylaw or Provincial regulation.
- (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 Town of Snow Lake's sewerage system by means of conduit. Such drainage shall be directly or indirectly channelled into the storm sewer system or into surface drainage channels. Drainage by way of weeping tiles into the Town of Snow Lake sewerage system shall be allowed.

**15. Water Supply.** Every Commercial Building shall be provided with an adequate supply of potable running water.

**16. Maintenance of Yards.**

- (a) A yard shall be kept free and clean from: rubbish, garbage, and debris, wrecked, dismantled, partially dismantled vehicles, trailers and other machinery, or parts, 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 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.

**17. Walks.**

- (a) A walk shall be provided from the principal entrance of every Commercial 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 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.

**18. Fences and Accessory Buildings.** All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

**19. Garbage Disposal.** Garbage Disposal shall be in accordance with the Town of Snow Lake Garbage and Recycling Bylaw.

**20. Unsafe Conditions and Dangerous Buildings.** 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 Town of Snow Lake's Building Bylaw as it relates to unsafe conditions.

**21. Hazardous Conditions.** 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 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 Snow Lake Fire Services under authority of written permit issued by them.

- 22. Hazardous Materials.** 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.
- 23. Heating Requirements.** 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 Commercial Building to remain without heat.
- 24. Gas and Open Flame Appliances.** 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.
- 25. Ventilation.**
- (a) Every basement, cellar, crawl space or similar enclosed space within a Commercial 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.
- 26. Plumbing.** 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 Town of Snow Lake's Building Bylaw.
- 27. Electrical Services.**
- (a) Commercial Buildings shall be hardwired to an electrical power supply system. A continuous supply of hardwired electric power must be available to all areas of the Commercial 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 Commercial Building, shall be adequate for the actual or intended use of the Commercial Building. The Designated Officer may require that a Certificate of Approval from Manitoba Hydro be provided for the commercial building.
- 28. Fire Safety Plan.** The Owner of a Commercial Building to which Part 3 of the Manitoba Building Code applies, or a Commercial 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 Commercial Building being identified as Vacant.
- 29. Fire Protection Systems.** 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 Snow Lake Fire and Emergency Services is notified of a fire alarm activation in the Commercial Building.

THE VACANT AND DERELICT BUILDING BYLAW NO. 981-21  
**MAINTENANCE STANDARDS FOR VACANT RESIDENTIAL BUILDINGS REGULATION**

In this Regulation:

**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 Bylaw, as applicable;

**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;

**DESIGNATED OFFICER** means the Chief Administrative Officer of the Town of Snow Lake and any employee of the Town to whom they have delegated authority or duty granted or imposed under the Vacant and Derelict Building Bylaw;

**DWELLING** includes any Residential Building, part of a Residential Building, mobile home, trailer, or other covering or structure, the whole or any portion of which has been 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 Residential Building;

**OWNER** means the registered property Owner of the land and premises and includes:

- (a) 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 their own account or as agent or trustee for any other person;
- (b) The person who would so receive the rent if such land and premises were let;
- (c) 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;
- (d) 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 their own account or as an agent or trustee of any other person; or
- (e) The person who would so receive the installments of the purchase price if such land or premises were sold under and offer to purchase or an agreement for sale.

**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;

**VACANT RESIDENTIAL BUILDING** means a previously occupied Residential Building or unit thereof that is not presently being used or occupied for which a Vacant Building Certificate has been issued; and

**VACANT BUILDING CERTIFICATE** means a certificate issued to a vacant Commercial Building that is in compliance with the provisions of the Vacant and Derelict Building Bylaw.

**1. Re-occupancy of Vacant Residential Buildings.** 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 Town of Snow Lake Building Bylaw.

**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.
- (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: Safety, Health, Accessibility for persons with disabilities, and Fire and structural protection of Residential Buildings.

**3. Exterior Aesthetic Condition.** 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: Exterior purging, Exterior wall finish, Roofs and Eaves, Doors and Windows, Porches, Attached / Detached Garages, Stairs, Steps, or any other feature appurtenant to the property, Decks and Patios, and Fences.

**4. Foundation Walls and Foundation Supports.**

- (a) Every foundation wall forming part of a Residential Building shall be maintained in good repair and structurally sound so as to prevent undue settlement of the Residential 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 Residential 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 Residential Building, the Residential 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 Town of Snow Lake's Building Bylaw.

- (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 Residential 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 Residential Building, or a portion thereof, 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 Residential 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.

## **7. Roof.**

- (a) A roof includes the fascia board, soffit, cornice, and flashing, all of which shall be maintained in a watertight condition to prevent leakage into the Residential 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 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 Residential Building or part thereof.

## **8. Dampness.** 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 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 or 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 Residential 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 regards to wall construction, to completely exclude rain and to 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 re-glazing.

- (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.

**10. 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.

**11. Porches, Sheds, Stairs.** 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 designated or constructed, or is without a protective surface.

**12. 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 not be 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.

**13. Exterior Fire Escapes.**

- (a) A fire escape may be considered a second and separate means of egress for a Residential 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 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.

**14. 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 they deem necessary, may require that any of the aforementioned components be renewed.
- (b) Waterproof wall finish shall be provided: To a height of at least 1.8 m above the floor in shower stalls, to at least 1.8 m above the floor in shower stalls, to a height of at least 1.2 m above the rims of bathtubs

equipped with showers and 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.

**15. 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.

**16. 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 Residential Building itself or any adjacent Residential building.
- (b) Sewage shall only be discharged into a sewerage system in accordance with the environmental standards of the Province of Manitoba.
- (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 Town of Snow Lake's sewerage system by means of conduit. Such drainage shall be directly or indirectly channelled into the storm sewer system or into surface drainage channels.

**17. 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.

**18. Maintenance of Yards.**

- (a) A yard shall be kept free and clean from: rubbish, garbage, other debris, wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof; and 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 the 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.

**19. Walks.**

- (a) A walk shall be provided from the principal entrance of every Residential Building to a public street or to a driveway affording access 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.

**20. Fences and Accessory Buildings.** All fences and accessory buildings shall be kept weather resistant, in good repair, and free from health, fire, and accident hazards.

**21. Garbage Disposal.** Garbage disposal shall be in accordance with the Town of Snow Lake's Garbage and Recycling Bylaw.

**22. Unsafe Conditions and Dangerous Buildings.** 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 Town of Snow Lake's Building Bylaw as it relates to unsafe conditions.

**23. Hazardous Conditions.** No Residential Building, or any part thereof, or the lot upon which it is situated shall be used as a place for 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 Snow Lake Fire and Emergency Services under authority of written permit issued by them.

**24. Hazardous Materials.** 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.

**25. 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 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.

**26. Gas and Open Flame Appliances.** 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.

**27. Ventilation.**

- (a) Every basement, cellar, crawl space or similar enclosed space within a Residential 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.

**28. Plumbing.** 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 Town of Snow Lake Building Bylaw.

**29. 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 Residential 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 Residential Building shall be adequate for the actual or intended use of the Residential Building. A Designated Officer may require that a Certificate of Approval from Manitoba Hydro be provided.

**30. Smoke Alarm and Carbon Monoxide Alarm Systems.** 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).

THE VACANT AND DERELICT BUILDING BYLAW NO 981-21  
MAINTENANCE STANDARDS FOR BOARDED BUILDINGS REGULATION

In this Regulation:

**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;

**BUILDING** means any structure used or intended for supporting or sheltering any use or any occupancy and includes any residential building or commercial building;

**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 Bylaw, as applicable;

**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;

**DESIGNATED OFFICER** means the Chief Administrative Officer of the Town of Snow Lake and any employee of the Town to whom has delegated authority or duty granted or imposed under the Vacant and Derelict Building Bylaw; and

**HERITAGE BUILDING** means a Building possessing architectural, aesthetic, historic, or cultural values which is declared as a "Heritage Building" by the Town of Snow Lake.

**OWNER** means the registered property Owner of the land and premises and includes:

- (a) 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;
- (b) The person who would so receive the rent if such land and premises were let;
- (c) 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;
- (d) 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 their own accord or as an agent or trustee of any other person; or
- (e) The person who would so receive the installments of the purchase price of such land or premises were sold under an offer to purchase or an agreement for sale;

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

Prior to re-occupancy of a Boarded Building, the Building shall be in compliance with the re-occupancy standards of this Bylaw as outlined in Schedule A, "Maintenance Standards for Vacant Commercial Buildings" or Schedule B, "Maintenance Standards for Vacant Residential Buildings".

**2. Heritage Buildings.** 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: the Building or structure has been designated as a Heritage Building, any unsafe conditions as described in the Code or this Bylaw are corrected, and 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 the Building shall be maintained in a structurally sound condition so as to be capable of sustaining safely in 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 an 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) 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 roof includes the fascia 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.** 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.** 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 only into a sewerage system in accordance with the provisions of the Town of Snow Lake policies and relevant Bylaws.
- (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 Town of Snow Lakes's sewerage system by means of a 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 Town of Snow Lake's sewerage system shall be allowed.
- (e) Disconnection of sewage systems shall be in compliance with the Town of Snow Lake's Bylaws and Policies.

**9. Maintenance of Yards.**

- (a) A yard shall be kept free and clean from: rubbish, garbage, and other debris, wrecked, dismantled, partially dismantled vehicles, trailers and other machinery or any parts thereof, and 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.** All fences shall be kept weather resistant, in good repair, and free from health, fire and accident hazards.

**11. Garbage Disposal.** Garbage disposal shall be in accordance with the Town of Snow Lake's Garbage and Recycling Bylaw.

**12. Unsafe Conditions and Dangerous Buildings.** 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 Town of Snow Lake's Building Bylaw as it relates to unsafe conditions.

**13. Hazardous Conditions.** No Building, or any part thereof, or the lot upon which it is situated shall be used 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 Snow Lake Fire and Emergency Services under authority of a written permit issued by them.

**14. Hazardous Materials.** 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: removed up to the second floor level or to a height of four (4) metres above the ground, whichever is lesser; or 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 area 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; and
- (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.