

TOWN OF WINNIPEG BEACH BY-LAW # 9/2009

TOWN OF WINNIPEG BEACH

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BEING a by-law to set property maintenance standards; to regulate nuisances, derelict vehicles; to regulate abandoned, untidy and unsightly property, and to demolish unsightly and/or dilapidated buildings or structures.

WHEREAS *The Municipal Act* read in part as follows:

232(1) The 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) subject to Section 233, activities or things in or on private property;
- (0) the enforcement of by-laws

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

- (a) regulate or prohibit
- (c) 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...

233 A by-law under Clause 231(1)(c) (activities or things in or on private property) may contain provisions only in respect to

- (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 Council are or could

become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

236(1) Without limiting the generality of Clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and



penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge, or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

- (iii) providing that an amount owing under sub-clause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
- (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention, charging and collecting costs incurred in respect of acting under sub-clause (iv)
- (v) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

242(1) If a By-Law Enforcement Officer/Designated Officer finds that a person is contravening a by-law or this or any other Act that the Municipality is authorized to enforce, the By-Law Enforcement Officer/Designated Officer may by written order require the person(s) responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require.

242(2) The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that has been erected or placed in contravention of a by-law and if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the directions within a specified time, the Municipality will take action or measure(s) at the expense of the person.

243(1) If, in the opinion of a By-Law Enforcement Officer/Designated Officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition, is detrimental to the surrounding area, the By-Law Enforcement Officer/Designated Officer may by written order

- (a) in the case of a structure, require the owner
 - (i) to eliminate the danger to public safety in the manner specified, or,
 - (ii) remove or demolish the structure and level the site;

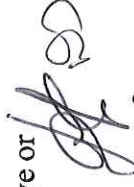
(b) in the case of land that contains the excavation or hole, require the owner

- (i) to eliminate the danger to public safety in the manner specified, or
- (ii) fill in the excavation or hole and level the site;

(c) in the case of property that is in an unsightly condition, require the

owner

- (i) to improve the appearance of the property in the manner specified, or
- (ii) if the property is a building or other structure, remove or


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demolish the structure and level the site.

243(2) The order may

- (a) state a time within which the person must comply with the order; and
- (b) state that if the person does not comply with the order within the specified time, the Municipality will take the action or measure at the expense of the person.

AND WHEREAS it is deemed expedient to pass a by-law for the purpose of maintaining property, buildings and structures to minimum standards; for regulating and abating, nuisances related to unsightly, vacant, abandoned or dilapidated structures, buildings or property; for removal and demolition of unsightly or unsafe buildings, structures, trees or brush; the regulation of derelict and or unlicensed vehicles on property and such other visual, odor emitting and the like matters that may be detrimental to the health, safety and comfort of the residents of the Town of Winnipeg Beach.

NOW THEREFORE the Council of the Town of Winnipeg Beach, in Council duly assembled, enacts the following standards, policies and procedures which shall govern the inspection, remedy, demolition, enforcement or action respecting untidy, unsightly, abandoned, boarded up, unsafe, property or structures and such other visual, odor emitting and like matters or those activities or things which are or could become a nuisance in the Town of Winnipeg Beach.

1.0 SHORT TITLE

- 1.1 **THAT** this by-law be referred to as the "Town of Winnipeg Beach Property Maintenance Standards; to regulate nuisances, derelict vehicles; to regulate abandoned, untidy and unsightly property, and to demolish unsightly and /or dilapidated buildings or structures By-Law.

2.0 Property Maintenance Standards Schedules

- 2.1 **THAT** Council may from time to time, by resolution, add or attach additional schedules as deemed necessary and amend each and every schedule attached to this by-law and set out as attached hereto:

- Schedule A1 – First Warning letter to Correct Violations
- Schedule A2 – First Warning letter to Demolish Building or Structure
- Schedule B1 – Second Warning Letter
- Schedule B2 – By-Law Officer/Designated Officer Order to Improve the Appearance of Unsightly Premises
- Schedule C - Appeal and/or Objection to By-Law Officer/Designated Officer Order
- Schedule D1 – Second Warning Letter to Demolish Unsightly Building or other Structure(s)
- Schedule E - Unsightly Premises – Standards for Buildings and Premises
- Schedule F - Unsightly Premises – Standards for Vacant Dwellings
- Schedule G - Unsightly Premises – Standards for Boarded-Up Buildings



3.0 DEFINITIONS

3.1 THAT in this by-law **APPROACH or SIDEWALK CROSSING** means, that portion of a sidewalk or boulevard improved or designed for the passage of vehicular traffic or pedestrian traffic and is fully contained within the boundaries of the Municipal Road Allowance.

3.2 THAT in this by-law **ARTERIAL HIGHWAY OR THROUGH HIGHWAY** means, a highway or portion thereof so designated by Council at which vehicles shall stop before entering thereon.

3.3 THAT in this by-law **AUTHORIZED STAFF** means, an employee or employees designated to enforce municipal by-laws excluding members of Council.

3.4 THAT in this by-law **BOULEVARD** means, that portion of a highway, on either side or in the centre thereof, that is adjacent to the traveled portion thereof or incorporates a ditch or a swail in a residential area which may be leveled and maintained for the purpose of improving the appearance of the highway,

- (a) by the planting thereon of grass, flowers, trees, or shrubs, or all or any of those things, or
- (b) by paving or otherwise surfacing it, or
- (c) by treating part thereof as stated in clause (a), and part thereof as stated in clause (b), and by regularly cutting the grass thereon, if any, and trimming, pruning, or otherwise caring for the trees, shrubs, and flowers;

3.5 THAT in this by-law **BY-LAW ENFORCEMENT OFFICER** means, the "By-Law Enforcement Officer" appointed or authorized by the Council of the Town of Winnipeg Beach from time to time and for the purpose of this by-law, shall include such person as the Chief Administrative Officer is entitled to delegate his/her authority to by Council of the Town of Winnipeg Beach from time to time.

3.6 THAT in this by-law **CHIEF ADMINISTRATIVE OFFICER (C.A.O.)** means, the person so appointed by the Council of the Town of Winnipeg Beach from time to time and for the purpose of this by-law, shall include such person as the Chief Administrative Officer is entitled to delegate his/her authority to by Council of the Town of Winnipeg Beach from time to time.

3.7 THAT in this by-law **COUNCIL** means, council duly elected in the Town of Winnipeg Beach.

3.8. THAT in this by-law **CROSSWALK** means:

- (a) that part of a highway in an intersection distinctly indicated for pedestrian crossing by a traffic control device or by lines or other markings on the surface thereof; or
- (b) that part of a highway elsewhere than in an intersection distinctly indicated for pedestrian crossing by a traffic control device and by lines or other markings on the surface thereof; or
- (c) that part of a highway that is included within the straight production directly and not diagonally,
 - i. of the lateral lines of the sidewalk on either side of any roadway intersecting or meeting that highway; or
 - ii. of the lateral lines of any sidewalk that intersects or meets the highway on either side thereof; measured, in each case, from the curb,

or in the absence of curbs, from the edge of the roadway on which the crosswalk is situated, and includes a pedestrian corridor.

- 3.9 **THAT** in this by-law **DERELICT VEHICLE** means, an object that is not a new or unused vehicle, and if
- (a) it is not in operating condition;
 - (b) it does not have attached thereto, and exposed thereon, on or more number plates issued under The Highway Traffic Act for the current registration year under that Act;
 - (c) it is kept in the open, and
 - (d) the owner thereof either has abandoned it; or
 - (e) the owner is keeping primarily for the purposes of salvaging or selling parts there from, or the eventual sale thereof as scrap metal; and a derelict vehicle also includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed, and to which clauses under the derelict vehicle apply

- 3.10 **THAT** in this by-law **DESIGNATED OFFICER** means, a building inspector or other official appointed by council, from time to time, to enforce this by-law, or, in the absence of such an appointment, the Chief Administrative Officer.

- 3.11 **THAT** in this by-law **HIGHWAY** means, any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore and includes all the space between the boundary lines thereof, but does not include any area designated or intended, and primarily used, for the parking of vehicles and the necessary passage ways thereon.

- 3.12 **THAT** in this by-law **INTERESTED PERSON** means, the owner, occupier or mortgagee of property, which is the subject of an order made under the authority of this by-law.

- 3.13 **THAT** in this by-law **LANE** means:
- (a) a street not more than 6.2 meters in width;
 - (b) a roadway leading into public or private premises so as to permit the ingress or egress of vehicles.

- 3.14 **THAT** in this by-law **LANED ROADWAY** means, a roadway that is divided into two or more marked lines for vehicular traffic.

- 3.15 **THAT** in this by-law **MORTGAGEE** in the case of any property, means any person holding a registered real property mortgage against the property according to the records of the land titles office for the area within which the property is situated.

- 3.16 **THAT** in this by-law **MUNICIPALITY** means, the Municipality of the Town of Winnipeg Beach.

- 3.17 **THAT** in this by-law **MUNICIPAL INSPECTOR** means, the person appointed as such from time to time by the Council of the Town of Winnipeg Beach.

- 3.18 **THAT** in this by-law **OCCUPIER** in the case of any property means, any person in actual or constructive possession of the property pursuant to a lease, tenancy license or other right to occupy.

- 3.19 **THAT** in this by-law **OWNER** in the case of property means, the registered owner of the property according to the current assessment records of the Town.
- 3.20 **THAT** in this by-law **PERSON** means, an individual, firm, partnership or corporation and where the context requires shall include the plural as well as the singular.
- 3.21 **THAT** in this by-law **PROPERTY** means, any land as defined in *The Municipal Assessment Act* within the Town whether or not there is situated thereon a dwelling house or any other building.
- 3.22 **THAT** in this by-law **RESIDENTIAL AREA** means, any area designated as residential
- 3.23 **THAT** in this by-law **ROADWAY** means, any place or way including any structure forming part thereof, which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, but does not include a highway, or an area designed or intended and primarily used for the parking of vehicles.
- 3.24 **THAT** in this by-law **RUBBISH** means, any garbage, trash, or junk including, but not limited to unwanted or discarded household items, appliances, furniture, waste from building construction and demolition, remodeling and repair, tree branches, grass and shrub clippings, leaves or other general yard and garden waste; motor vehicles parts or tires; newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive and is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards or cleanliness or generally accepted neighbourhood aesthetics.
- 3.25 **THAT** in this by-law **SEWALK** means, footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either
- (a) forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line of the highway, and
 - (i) the adjacent property lines; or
 - (ii) the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, of an intersecting highway; or
 - (c) although not part of a highway, is maintained by the Town of Winnipeg Beach, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent hereto.
- 3.26 **THAT** in this by-law **TOWN** means, the Town of Winnipeg Beach in the Province of Manitoba.
- 3.27 **THAT** in this by-law **TOWN INSPECTOR** means, the person appointed as such from time to time by the Council of the Town.
- 3.28 **THAT** in this by-law **UNSAFE STRUCTURE** means, any structure, whether a building, fence, excavation or hole, which in the opinion of the by-law enforcement officer/designated officer is

at risk of collapse or otherwise dangerous to public safety or property.

3.29 **THAT** in this by-law **UNSIGHTLY PROPERTY** means, a property which in the opinion of the by-law enforcement officer/designated officer is detrimental to the surrounding area, including but not limited to the growth of weeds so that the same becomes a nuisance to adjoining properties.

3.30 **THAT** in this by-law **VACANT PROPERTY** means, any property that does not have a residence or if there is situated upon said land a residence to which there is no occupancy.

3.31 **THAT** in this by-law **WRITTEN COMPLAINT** means, any verbal/written report received by any town official, by-law enforcement officer/designated officer or Town Inspector; or a complaint filed in writing with the town or a complaint telephoned to the town and recorded in writing by an employee of the town in a manner which state the civic address at which the complaint is directed, the nature of the complaint, and the name, address and phone number of the person complaining.

4.0 APPLICATION

4.1 This by-law applies to all property and to all owners and occupiers of property within the Town of Winnipeg Beach.

5.0 STANDARDS

5.1 No owner or occupier of property shall permit on such property, and each owner or occupier of property shall keep such property free and clear of:

5.1.1 Rubbish

5.1.2 Unsafe structure(s)

5.1.3 Unsightly or untidy property

5.1.4 Unsightly, unmaintained, or dilapidated building(s) or structure(s) to be demolished and such other visual, odor emitting and the like matter that may be detrimental to the health, safety and comfort of the residents of the Town of Winnipeg Beach.

5.1.5 The outdoor storage of motor vehicles that in the opinion of the By-Law Enforcement Officer/Designated Officer are a nuisance causing the property to be declared an unsightly property as defined in the By-Law Section 3.29.

5.1.6 The storage of motor vehicles capable of registration under the Highway Traffic Act or the Off-Road Vehicles Act, which are not registered under either of those statutes, unless the said property and/or structures are lawfully used and licensed as a commercial automobile dealership/service centre/salvage operation.

5.1.7 The storage of derelict vehicles unless the said property and/or structure(s) are lawfully used and licensed as a commercial automobile dealership/service centre/salvage operation.

5.1.8 The storage of household appliances, whether or not the same are capable of operation.

5.1.9 The growth of weeds as defined in *The Noxious Weeds Act* so that the same become a nuisance to adjoining properties.



5.1.10 The growth of grass and/or dandelions to a length greater than 6 inches or to a point where dandelions turn to seed.

5.1.11 Fallen branches, tree limbs or brush or bush which is unsightly or a fire hazard.

5.1.12 Tree limbs, branches, bush or shrubs extending beyond the owner's property line to that of any adjacent property line, boulevard, town or public property, roadway, laneway or public sidewalk.

5.1.13 Regular outdoor burning, the smoke of which causes a nuisance to adjoining properties.

5.2 No owner or occupier of a property with private trees or shrubs abutting on the right-of-way of any street, lane or laneway, sidewalk or other public place or Town owned property shall allow the limbs, branches or other growth to extend beyond their property line. The owner, occupier of such private trees or shrubs shall be responsible for the trimming, removing or pruning back of the branches or other growth which may project or exist beyond the property line. The Town will have the authority to trim and/or remove obstructions caused by the growth of trees/shrubs that are located on private property which abuts Town property. These obstructions shall include any impediment to street lighting, vehicular/pedestrian traffic, signage, and intersection sight lines. This authority will also apply to those private tree/shrubs whose roots may damage sidewalks, public streets, and any infrastructure related to the provision of public utilities. In those instances where the Town has undertaken to complete this work, the costs for this work will be the responsibility of the property owner. In addition to all other rights of collection, which the Town may have at law, such amounts may be collected by the Town in the same manner as a tax may be collected or enforced under *The Municipal Act*.

5.3 No owner or occupier shall permit property, or building or structures on property to remain in a condition which does not meet the standards for occupied, abandoned, vacant, boarded up or dilapidated building(s), structure(s) or property as set out in Schedules E, F, and G.

5.4 The owner or occupier of property, or building or structures on property which may pose a threat to the safety and/or will be of private or public individuals as a result of inadequate maintenance, vandalism, fire or other means requiring remedial action of a safety hazard on property or the boarding up windows, doors or other means of entrance to a building or structure shall be given 5 days notice by a *written order*, to be delivered by Registered Mail, to rectify and remedy the safety hazard. Failure to comply with the *written order* shall require that the Town of Winnipeg Beach undertake the necessary steps for compliance. Any amount that may be owing as a result of the Town undertaking the steps necessary for compliance shall be an amount owing by the owner or occupier to the Town of Winnipeg Beach and may be collected in any manner in which a tax may be collected or enforced under *The Municipal Act*.

5.5 The owner or occupier of property, or building or structures on property which may pose an **immediate** threat to the safety and/or well being of private or public individuals as a result of inadequate maintenance, vandalism, fire or other means requiring the Town of Winnipeg Beach to remedy a safety hazard on property or to board up windows, doors or other means of entrance to a building or structure shall be directly responsible for all related costs,



including materials, time and labor, incurred by the Town of Winnipeg Beach. In addition to all other rights of collection, which the Town may have at law, such amounts may be collected by the Town in the same manner as a tax may be collected or enforced under *The Municipal Act*.

5.6 No owner or occupier shall permit property to drain inadequately to a public drain or:

5.6.1 Permit any excavation, depression, drain or watercourse on their property to hold standing water;

5.6.2 Permit any lot or site to not have adequate surface drainage to a public drain.

5.7 No owner or occupier shall permit any activity or the deposit of any materials or matter on his property which may cause an odor which is offensive to surrounding property owners.

5.8 No owner or occupier of private property shall permit the dumping of earth, snow or any other matter from his private property onto any approach, sidewalk, sidewalk crossing, arterial roadway, roadway or any Public or Town owned property. Snow removal by a private contractor for the sole purpose of clearing of private property must be removed from the property and taken to an approved dump site by the private contractor at the time of clearing. Failure to do so will result in a fine as set out in Section 11 of this by-law and entitled **Enforcement**.

6.0 COMPLAINT

6.1 Any municipal official, by-law enforcement officer, designated officer, development officer or Town Inspector of the Town of Winnipeg Beach may determine a violation of this by-law.

6.2 Any person may allege a violation of this by-law by filing a "written complaint" with the Town in such form and with such particulars as the Town of Winnipeg Beach may from time to time require.

7.0 INSPECTION

7.1 Upon receipt of a complaint, as aforesaid, the by-law enforcement officer/designated officer, Town Inspector shall inspect all property alleged to be in violation of this by-law, in such manner as shall be reasonably necessary in order to determine whether or not there has been a violation of this by-law.

8.0 WARNINGS AND ORDERS

8.1 Where inspections reveal a violation of any provision of this by-law, the by-law enforcement officer/designated officer or Town Inspector:

8.1.1 May at his or her discretion issue a letter of inquiry about the condition of the property, building and/or structure(s) and enclose a copy of the by-law and schedules.

8.1.2 May at his or her discretion give written *warning notice(s)*, substantially in the form attached as Schedule A1 or Schedule A2 First Warning Notice, of the contravention to the owner or occupier of the property by regular mail.



8.1.3 If the contravention continues following the warning notice(s) in Section 8.1.2 a follow-up second inspection and a second warning letter or notice, substantially in the form attached as Schedule B1 or D1 Second Warning Notice, shall be sent accompanied by an order, substantially in the form attached as Schedule B1 or D2 Designated Officer Order, following the requirements for contents of an order listed in Section 8.1.4 below, to the owner, and/or occupier and mortgage holder where applicable.

OR

8.1.4 May at his or her discretion or where it is deemed to be a matter of public health or public safety not provide a letter of inquiry or a warning notice or letter, and the by-law enforcement officer/designated officer or Town Inspector may issue a *written order*, which shall:

8.1.4.1 Specify the non-compliance with this by-law and Schedules where applicable.

8.1.4.2 Specify the manner in which to improve the appearance, bring in compliance with the schedules or correct the nuisance by removing or demolishing the building(s) or structure(s).

8.1.4.3 Specify the time, which shall be no less than 19 days, nor greater than 40 days, within which compliance shall be required from the date of issuance of a letter of inquiry or a warning notice or letter or *written order*. The exception shall be in the case of a violation of Section 5.1.10 from May 15th through September 30th in each year where an owner or occupier fails to maintain grass and or dandelions to a length less than 6 inches or where dandelions have turned to seed, the Town of Winnipeg Beach will have the authority to do all that is necessary to ensure compliance by giving 5 days written notice, by registered mail, prior to the commencement of the Town undertaking the steps necessary for compliance. Any amount that may be owing as a result of the Town undertaking the steps necessary for compliance shall be an amount owing by the owner or occupier to the Town of Winnipeg Beach and may be collected in any manner in which a tax may be collected or enforced under *The*

Municipal Act.

8.1.4.4 Advise that should compliance not be effected within the specified time, the town may undertake the correction, remediation and/or demolition at the expense of the owner of the property and that such expense may be collected in the same manner that a tax may be collected or enforced under *The*

Municipal Act.

8.1.4.5 Advise the process of appeal, which shall be substantially in the form as in Schedule C.

8.1.4.6 The order shall be substantially in the form attached as Schedule B2 or D2 Designated Officer Order.

9.0 APPEALS

9.0.1 Any interested person may appeal an order made by the By-Law Enforcement Officer/Designated Officer or Town Inspector by filing with the Chief Administrative Officer of the Town of



Winnipeg Beach within 19 days from the date of the order, an objection or appeal of the order substantially in the form attached as Schedule C Objection or Appeal to Designated Officer Order.

9.0.2 Upon receipt of an appeal in the required objection and/or appeal form, the Chief Administrative Officer of the Town of Winnipeg Beach shall cause a copy thereof to be forwarded to the Council forthwith and the Council shall entertain such appeal within forty days of receipt of it by holding a hearing. Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose. A notice of hearing shall be issued by Council and shall be served upon the person(s) and in the manner specified in Section 10 below no later than 5 days prior to the appeal hearing.

9.0.3 The Council shall determine an appeal within 5 days of a hearing and shall serve a notice of disposition forthwith upon determination, upon the interested person(s). The Council may:

9.0.3.1 Confirm the order of the By-Law Enforcement Officer/Designated Officer or Town Inspector

9.0.3.2 Vary the order of the By-Law Enforcement Officer/Designated Officer or Town Inspector

9.0.3.3 Substitute an order or dates of compliance of the By-Law Enforcement Officer/Designated Officer or Town Inspector;

OR

9.0.3.4 Cancel the order of the By-Law Enforcement Officer/Designated Officer or Town Inspector.

10.0 SERVICE OF NOTICES OR ORDERS

10.1 A letter of inquiry or warning letter may be served by regular Canada Post mail, or be hand delivered.

10.2 Any order issued by the By-Law Enforcement Officer/Designated Officer or Town Inspector under section 8, or a notice of hearing issued under Section 9, or a notice or order of Council confirming, varying, substituting or canceling a By-Law Enforcement Officer/Designated Officer or Town Inspector order; shall be served by personal service, certified mail or by registered mail upon:

10.2.1 The owner(s) of the property affected

10.2.2 The occupier(s) of the property affected, if any; and

10.2.3 The holder(s) of any mortgage of the property affected, in respect to any order alleging a violation of the following subsections:

5.1.2 Unsafe structure(s);

5.1.3 Unsightly or untidy property;

5.1.4 Unsightly, unmaintained, or dilapidated building(s) or structure(s) to be demolished, and such other visual odor emitting and the like matter that may be detrimental to the health, safety and comfort of the residents of the Town of Winnipeg Beach.

Service made personally shall be deemed to have been made on the date of such service and service made by certified or registered mail shall be deemed to have been made 5 days after posting. In the case of service upon an occupier, the address for mailing shall be the address of the property. In

the case of an owner, the address for mailing shall be as shown on the current assessment records of the Town of Winnipeg Beach. In the case of a mortgage holder, the address for mailing shall be as shown according to the records of the Land Titles Office for the area within which the property is situated.

11.0 ENFORCEMENT

- 11.1 If a person receiving a written order of the "By-Law Enforcement Officer", "Designated Officer" or "Town Inspector" or a confirmed, varied or substituted order of Council, does not comply with the order within the period specified or as in the case of Section 8.1.4.3, Council may authorize staff to take the action(s) or measure(s) necessary at the expense of the person to correct the contravention.
- 11.2 The costs of action(s) or measure(s) taken by the Town of Winnipeg Beach to carry out the terms of an order issued by the By-Law Enforcement Officer/Designated Officer or Town Inspector and confirmed, varied or substituted by Council on appeal, are an amount owing to the Town by the owner of the property. In addition to all other rights of collection, which the Town may have at law, the Town may collect such amounts in the same manner as a tax may be collected or enforced under *The Municipal Act*.
- 11.3 Any person who contravenes or disobeys, or refuses or neglects to obey or comply with any order made under this by-law is guilty of an offence and is liable, on summary conviction, to a fine:
- 11.3.1 \$250.00 for a first offence;
 - 11.3.2 \$500.00 for a second offence;
 - 11.3.3 \$1000.00 for a third or subsequent offence;
 - 11.3.4 or in the case of an individual, to imprisonment for a term not exceeding six months, or to both such a fine and such an imprisonment.
- 11.4 Where a corporation commits an offence under this by-law, each director or officer of the corporation who authorized, consented to, connived at or knowingly permitted or acquiesced in the doing of the act or omission that constitutes the offence or offences, is likewise guilty of the offence and is liable on summary conviction, to the penalties for which provision is made in section 11.3 above.
- 11.5 Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the person or corporation is guilty of a separate offence for each day it continues.
- 11.6 The Authorized Staff of the Town of Winnipeg Beach is authorized to enter onto any land or premises during reasonable hours to inspect for conditions that may be in contravention to this by-law.

- 12.0 That by-law #11/2008 of the Town of Winnipeg Beach is hereby repealed.



13.0 This by-law comes into effect on the day it is passed.

Dated and passed in Council assembled at Winnipeg Beach in the Province of Manitoba this 15th day of December 2009.



Don Pepe, Mayor



Doreen Steg, Chief Administrative Officer

Read a first time this 17th day of November, 2009

Read a second time this 15th day of December, 2009

Read a third time this 15th day of December, 2009

Schedule A1
First Warning Letter to Correct Violations
Unsanitary Property By-Law #9/2009

File Number: _____
Roll Number : _____
Date of Letter: _____
Date Response Required By: _____
To: Owner/Occupier: _____

Mailing Address:

Dear Sir/Madam:

Subject: **Town of Winnipeg Beach Unsanitary Premises By-Law #9/2009**
 Correction of Violations Required

Acting upon a **complaint**, the By-Law Enforcement Officer or the Designated Officer had cause to inspect your property located in Winnipeg Beach at: _____

Upon inspection, it is apparent that a violation(s) exists in accordance with the Town of Winnipeg Beach By-Law #9/2009 due to:

Therefore the Town of Winnipeg Beach requests you rectify the situation by:

In accordance with section 239 (1) of the Municipal Act, I will enter onto the property on _____ to conduct a second inspection. If there is no compliance with this warning notice and the violations are not corrected, a Designated Officer Order may be issued by me, authorizing the Town of Winnipeg Beach to bring the property into compliance with the By-Law number 9/2009. The costs of any action or measure taken by the Town are an amount owing to the Town of Winnipeg Beach by the owner of the property. In addition to the rights of collection, which the Town may have at law, such amounts may be collected by the Town in the same manner as a tax may be collected or enforced under the Municipal Act.

You immediate attention to this matter and cooperation is appreciated.

If you have any questions please contact me immediately.

Yours Truly,

By-Law Enforcement Officer

Enclosed: Inspection Sheet(s), digital photograph(s)

Schedule A2
First Warning Letter to Demolish Building or Structure
Unightly Property By-Law #9/2009

File Number: _____ *Insert file# which street address*
Roll Number: _____ *Insert file roll#*
Date of Letter: _____ *Date to be mailed*
Date Response Required By: _____ *as per DO*

To: Owner/Occupier: **Separate letter to each owner on C. of T.**

Mailing Address: **Separate letter to each owner on C. of T.**

Dear Sir/Madam:

Subject: **Town of Winnipeg Beach Unightly Premises By-Law #9/2009**
 Demolition of Unightly Buildings and Structures

Acting upon a **complaint**, the By-Law Enforcement Officer or the Designated Officer had cause to inspect your property located in Winnipeg Beach at: _____ ***Insert street address***

Upon inspection, it is apparent that a violation(s) exists in accordance with the Town of Winnipeg Beach By-Law #9/2009 due to the building(s) on the property being dilapidated, unmaintained and in a state of disrepair.

Therefore the Town of Winnipeg Beach requests you rectify the situation by:

1. Demolishing the dwelling on the property as well as the accessory buildings listed below;
2. Remove any foundation(s);
3. Remove any debris to an approved landfill;
4. Level the site and create positive drainage to an approved public drain on the road or lane;
5. The building(s) to be demolished are: ***Insert list by DO***

(and are circled on the enclosed digital photograph)

Date: The demolitions of the buildings and or structures listed above are to be completed by:
Date by DO

In accordance with Section 239 (1) of the Municipal Act, I will enter onto the property on _____ ***Date by DO*** to conduct a second inspection. If there is no compliance with this warning notice and the buildings are not demolished, a Designated Officer Order may be issued by me, authorizing the Town of Winnipeg Beach to demolish the buildings(s) and bring the property into compliance with the By-Law Number 9/2009. The costs of any measure or action taken by the Town of Winnipeg Beach, such as demolition, are an amount owing to the Town of Winnipeg Beach by the owner of the property. In addition to the right of collection, which the Town may have at law, the Town may collect such amounts in the same manner as a tax may be collected or enforced under the Municipal Act.

Your immediate attention to this matter and cooperation is appreciated.

If you have any question, please contact me immediately.

Yours truly,

By-Law Enforcement Officer

Enclosed: Inspection Sheet(s), digital photograph(s)

Schedule B1
Second Warning Letter Regarding Unsightly Premises or Property Requiring Cleanup
Unsightly By-Law #9/2009

File Number: _____ **insert street address**
Roll Number: _____ **insert roll#**
Date of Letter: _____ **date by DO**
Date Appeal or Objection Response Required By: _____ **Date is 19 days after mail date**

To: Owner/Occupier: **separate letter to each owner on C. of T.**

Mailing Address: **separate letter to each owner on C. of T.**

Dear Sir/Madam:

Subject: **Town of Winnipeg Beach Unsightly Premises By-Law #9/2009**
 Correction of Violations Required: Second Warning Letter
 And Attached Designated Officer Order Form B2

You received notification by letter dated **date of first warning letter** of a complaint causing the Designated officer or By-Law Enforcement Officer to inspect your property at **address of property**

Upon inspection, it was apparent that a violation existed in accordance with the Town of Winnipeg Beach By-Law Number 9/2009 due to **List contraventions as in 1st warning and second in**

You were requested to rectify the situation by: **Date by DO**

A second inspection was completed at the property on **Insert date** and found it continues to be in violation of Unsightly Property By-Law Number 9/2009.

Specifically **List contraventions**

The attached "**Designated Officer Order**" order on schedule B2 requests you correct the contravention(s). It authorizes the municipality through the Municipal Act to correct bylaw contraventions and charge the owner for cleanup, if necessary by collecting the amount owing as if they were taxes

The order informs you there is an objection or appeal process and date by which the appeal must be made. Please read the order carefully and insure you know the dates.

I trust you will govern yourself accordingly.

Yours Truly,

Keith Joss
Designated/By-Law Enforcement Officer
Cell Phone Number: 642-2986

Schedule B2
Designated Officer Order to Improve the Appearance of Unsightly Premises in Manner Specified Below
Section 243 (1)(c) of The Municipal Act
Unsightly By-Law # 9/2009

Order File Number: *address is file number*
Roll Number: *insert roll number*
Date of Order: *Date by DO*
Date Review/Appeal to Town Council Required By: *Date by DO*
Date Improvements Required to be Completed By: *Date by DO*

To: Owner/Occupier: *list all owners and send letter to each*

Mailing Address:

Mailed by Certified Mail/Registered Mail OR Served Personally

Dear Sir/Madam:
Subject: **Town of Winnipeg Beach Unsightly Premises By-Law #9/2009**
 Correction of Violations Required at: *insert street address*
 Legal Description

As Designated Officer for the Town of Winnipeg Beach, I am informing that a second inspection of your property *insert street address*
in Town of Winnipeg Beach conducted on *Date By DO* found that is or continues to be in violation of the Town of Winnipeg Beach Unsightly Property By-Law #9/2009.

Specific Contraventions

- A. Specifically *list infractions or contraventions to be removed on your property has not been removed.*
- OR
- B. Specifically your property does not meet the requirements of Schedule E, F, or G for the maintenance of your property *list infractions or contraventions to be removed*

Pursuant to Section 243(1)(c)(i) of the Municipal Act, as Designated Officer of the Town of Winnipeg Beach, you are hereby ordered to:

1. Remove the following Debris or rubbish
2. Make the following list of improvements to the buildings specified

And further, pursuant to Section 243(2)(a) of the Municipal Act, my order is stating that you must complete these items by: *insert date by DO 19 days at 3 PM.*

And further, pursuant to Section 243(2)(b) of the Municipal Act, you are informed that if you do not comply with this order by the date and time specified above, the Town of Winnipeg Beach may and will take the action(s) or measure(s) necessary to bring the specified contraventions into compliance with the bylaw at your expense. The costs of an action or measure taken by the Town of Winnipeg Beach are an amount owing to the Town of Winnipeg Beach by the person who contravened the bylaw or the owner of the property.

You, as Owner or Occupant may request Council to review this order within 19 days of the date on this order. Your appeal and request for review must be made in writing to the Chief Administrative Officer of the Town of Winnipeg Beach by: *insert date 19 days*
substantially in the form attached to this bylaw as Schedule C. (enclosed)

I trust you will govern yourself accordingly.
Yours truly,

Keith Joss
By-Law Enforcement Officer/Designated Officer

Date:
Cell Phone Number: 642-2986
Attachments"

1st inspection report
1st warning letter

Photocopy of digital photo showing specific contraventions and showing the building(s) for which compliance is required.

Schedule C
Appeal and/or Objection to a Designated Officer Order
Unightly Property By-law Number 9/2009
Town of Winnipeg Beach

Dear Town of Winnipeg Beach Chief Administrative Officer:
C/O Box 160
29 Robinson Avenue (there is mail box drop to right of front door)
Winnipeg Beach, MB
R0C 3G0

Attention Council:
File Number and Winnipeg Beach property address:

Please take notice that I object to Designated Officer Order and am appealing the order on the following grounds:

-
-
-
-
-
-

Signed:

_____ **Sign Name Registered Owner** **Date:** _____

_____ **Print Name**

This form of notice authorized by Section 9 of Unightly By-law Number 9/2009 of the Town Of Winnipeg Beach.
Registered Owner is the name of the owner listed in the current assessment record.

Schedule D1
Second Warning Letter Regarding Unsightly Premises or Property Requiring Demolition
Unsightly By-law #9/2009

File Number: *insert file # as street address*
Roll number: *insert roll numbers*
Date of this Letter: *date of letter mailed*
Date Appeal or Objection Response Required By: *19 days after mail date*
To: Owner/Occupier: *separate letter to each owner*

Mailing Address:

Dear Sir/Madam:
Subject: **Town of Winnipeg Beach Unsightly Premises By-law #9/2009**
Correction of Violations and Demolition Required: Second Warning Letter
and Attached Designated Officer Order on Form D2

You received notification by letter dated *Date of first warning letter* of a complaint causing the designated officer or development officer to inspect your property at *address of property*

Upon inspection, it was apparent that a violation existed in accordance with the town of Winnipeg Beach By-law number 9/2009 due to *List contraventions as in 1st warning and second in*

You were requested to rectify the situation by demolishing the main building and the accessory building(s) by *date in first letter*

A second inspection was completed at the property on *Date of second inspection* and found it continues to be in violation of Unsightly Property By-law Number 9/2009 as the demolition has not been completed.

The attached 'Designated Officer Order' order on Schedule D2 Requests you correct the contravention(s) and demolish the main building and accessory building(s) as noted. It authorizes the municipality through the municipal Act to demolish the building(s) and correct by-law contraventions and charge the owner for cleanup, if necessary by collecting the amount owing as if were taxes.

The order informs you there is an objection or appeal process and date by which the appeal must be made. Please read the order carefully. An appeal letter is included as Schedule C

I trust you will govern yourself accordingly.

Yours truly,

Keith Joss
By-Law Enforcement Officer
Cell Phone Number: 642-2986

Schedule D2

Designated Officer Order to Demolish Unlawfully Building or other Structure as per Section 243(1)(c)(ii) of the Municipal Act

This is an official Designated Officer Order issued by the Town of Winnipeg Beach pursuant to Section 243(1) of the Municipal Act of the Province of Manitoba.

Order File Number: *street address*
Roll Number: *insert roll*
Date of order: *date of mailing*
Date Review/Appeal to Town Council Required by: *19 days*
Date Demolition Required to be Completed by: *insert date*

To: *separate letter to each owner on the C of J*

Mailing address:

Mailed by Certified Mail/Registered Mail OR Served personally

Dear Sir/Madam:
Subject: **Town of Winnipeg Beach Unlawfully Premises By-Law #9/2009**
Demolition of Unlawfully Building or Structure at:
Legal Description:

As Designated Officer for the Town of Winnipeg Beach I am informing that a second inspection of your property at *insert address*
in Town of Winnipeg Beach was conducted on *insert date*
and this inspection found that it is or continues to be in violation of the Town of Winnipeg Beach Unlawfully Property By-Law #9/2009.

Specifically the building(s) and or structure(s) have not been demolished.

Pursuant to Section 243(1)(c)(ii) of the Municipal Act, as Designated Officer of the Town of Winnipeg Beach, you are hereby ordered to:

1. Demolish the buildings listed here and circled on the enclosed digital photograph.
2. Remove all debris to an approved landfill site.
3. Level the site and create positive drainage to an approved public drain on the road or lane allowance

List of buildings:

And further, pursuant to Section 243(2)(a) of the Municipal Act, my order is stating that you must complete demolition and leveling by: *Date by Da* at 3PM

And further, pursuant to Section 243(2)(b) of the Municipal Act, you are informed that if you do not comply with this order by the date and time specified above, the Town of Winnipeg Beach may and will take the action(s) or measure(s) necessary to demolish the building(s) and bring the property into compliance with the by-law at your expense. The costs of an action or measure taken by the Town of Winnipeg Beach are an amount owing to the Town of Winnipeg Beach by the person who contravened the bylaw or the owner of the property.

You as Owner and/or Occupant may request Council to review this order within 19 days of the date on this order. Your appeal and request for review must be made in writing to the Chief Administrative Officer of the Town of Winnipeg Beach by
PLEASE DATE 19 DAYS AFTER DATE substantially in the form attached to this bylaw as Schedule C. (enclosed)

I trust you will govern yourself accordingly.

Yours truly,

Keith Joss
By-Law Enforcement Officer/Designated Officer
Town of Winnipeg Beach
Dated this day of 2008
Cell Phone Number: 642-2986
Attachments:
1st inspection report
1st warning letter
Photocopy of digital photo showing specific contraventions and showing the building(s) for which compliance is required.

Schedule "E"
By-Law #9/2009
Unightly Premises

STANDARDS FOR BUILDINGS AND PREMISES

1. Exterior Walls

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

2. Roofs

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

3. Foundations

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

4. Porches and Entrances

1. Every porch and entrance to a building must be maintained in good repair so that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.
2. All exterior steps must be kept in good repair so as to afford safe passage under normal use and weather conditions and protected against deterioration by the application of appropriate protective coating if of wood construction.

5. Grounds

1. Premises must be kept free and clean from:
 - a. rubbish, garbage, junk and other debris;
 - b. wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned, or unused vehicles, trailers and other machinery or any parts thereof;
 - c. excessive growth of weeds or grass; and
 - d. objects and conditions, including holes and excavations that are health, fire or accident hazards.
2. Plants and vegetation must be kept trimmed so as not to become unsightly.
3. The yard must be graded in such a manner so as to prevent:
 - a. excessive or reoccurring ponding of water; or
 - b. excessive dampness from occurring in buildings on or adjacent to the yard; or
 - c. any hazardous condition from being created on any private or public walkway.

6. Walks, Driveways, and Parking Spaces

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

7. Fences and Accessory Buildings

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

SCHEDULE "F"
BY-LAW #9/2009
UNSIGHTLY PREMISES

REQUIREMENTS FOR VACANT DWELLINGS

The owner of a vacant dwelling must ensure that the dwelling meets the following requirements:

1. Exterior Walls

1. The exterior of every dwelling must be constructed, repaired and maintained in order to
 - a. ensure the integrity of the building envelope to protect the dwelling from the weather and from infestation of pests, and
 - b. prevent a substantial depreciation in property values in the immediate neighborhood.
2. Without restricting the general obligation set out in subsection (1)
 - a. all exterior surfaces must consist of materials that provide adequate protection from the weather;
 - b. all exterior walls and their components, including coping and flashing be maintained in good repair;
 - c. all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit insects, rodents or other pests to the interior of the wall or the interior of the dwelling;
 - d. exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
 - e. no more than 25% percent of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
 - f. the mortar of any masonry or stone exterior wall may not be loose or dislodged;
 - g. the exterior of every dwelling must be free of graffiti

2. Roofs

1. Roofs must be constructed and maintained so as to prevent
 - a. rainwater or melting snow falling on the roof from entering the dwelling; and
 - b. rainwater or melting snow falling on the roof from negatively affecting neighboring buildings or properties;
 - c. objects and materials from falling on the roof.
2. Without restricting the general obligation set out in subsection (1)
 - a. All roofs, including fascia boards, soffits, cornices, flashing, eavestroughing and downspouts must be maintained in a watertight condition;
 - b. Roof drainage must be controlled in order to eliminate or minimize runoff to neighboring properties that
 - i. accumulates or causes ground erosion
 - ii. causes dampness in the walls, ceilings or floors of any portion of any neighboring building;
 - iii. accumulates on sidewalks or stairs in a manner so as to create a hazardous condition;
 - c. loose or unsecured objects and materials, including dangerous accumulations of snow or ice or both, must be removed from the roof of a dwelling or an accessory building.

3. Foundations

1. Every foundation wall forming part of a dwelling must be structurally sound and maintained in a condition so as to prevent undue settlement of the building and prevent the entrance of moisture. Insects, rodents or pests.
2. Without restricting the general obligation set out in subsection (1)
 - a) Basement walls and floors must be constructed of masonry, concrete, preserved wood or other material impervious to external moisture;
 - b) Floors must be so constructed as to effectively drain all water into a catch basin which shall be connected to a sewerage system.
 - c) Every part of the dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any normal load to which it may be subjected;
 - d) Materials that have been damaged, or show evidence of rot or other deterioration;

e)Dwellings on a surface foundation must maintain structural soundness and must not contain broken or rotten beams or joists.

4. Porches and Stairs

1. Every porch and stairway within, on or attached to a dwelling must be maintained in good repair so as to afford safe passage under normal use and weather conditions.
2. Without restricting the general obligation set out in subsection (1)
 - a) component parts of a porch or stairway must not be broken, loose, rotted, warped, out of plumb, off level or out of alignment;
 - b) exterior steps must be protected against deterioration by the application of appropriate protective coating.

5. Guards, Balustrades and handrails

1. Every exterior or interior stair that has more than two risers must have the sides of the stairs, the landing and the floor level around the stairwell enclosed by walls or protected by balustrades, except that a stair to an unfinished basement may have one unprotected side.
2. Every exterior landing or porch more than 900 millimeters above the adjacent grade and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than maintenance purposes, shall be protected by balustrades or guards on all open sides.
3. All guards, handrails and balustrades shall be maintained in good repair and firmly attached so as to provide reasonable protection against accident or injury.

6. Floors

1. Every floor must be maintained:
 - a. free of loose, warped, protruding or rotting floor boards;
 - b. free of wide holes or cracks;
 - c. free of other defects that may be a fire, health or other hazard

7. Walls and Ceilings

1. Every wall and ceiling in a dwelling shall be maintained in a safe condition and free from loose plaster and other hazards.

8. Fire Protection Systems

1. All existing fire protection systems must be maintained in an operational condition to the satisfaction of an enforcement officer and must be connected to a central monitoring system.
2. All existing sprinkler and standpipe systems in vacant apartment buildings must be maintained in an operational condition to the satisfaction of an enforcement officer.
3. Combustible materials may not be stored in vacant dwelling.

9. Yards

1. Yards surrounding a vacant dwelling must be maintained so as to prevent a. the depreciation of property values in the immediate neighborhood as a result of the vacancy of the dwelling;
b. drainage of water that negatively affects neighboring properties or creates hazardous conditions.
2. Without restricting the general obligation under subsection (1), yards surrounding a vacant dwelling must be maintained so as to prevent the accumulation of:
 - a. rubbish, garbage, junk and other debris;
 - b. wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any parts thereof;
 - c. objects and conditions, including holes and excavations that pose health, fire or accident hazards.
3. Plants and vegetation in yards surrounding vacant dwellings must be kept trimmed.
4. Yards surrounding vacant dwellings must be:
 - a. covered with sufficient ground cover to prevent erosion; and
 - b. graded in such a manner so as to prevent;
 - i. excessive or reoccurring ponding of water; or
 - ii. excessive dampness from occurring in buildings on or adjacent to the yard; or
 - iii. any hazardous condition from being created on any private or public walkway.

10. Walkways and Driveways

1. Access from a public street to the principle entrance of every vacant dwelling must be afforded by way of a walk or driveway.
2. Every walk or driveway and parking space must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained and cleared of snow so as to afford safe passage under normal use and weather conditions.

11. Fences and Accessory Buildings

1. All fences and all accessory buildings must be kept:
 - a. weather resistant by the application of appropriate materials, including paint or preservatives; and
 - b. in good repair

SCHEDULE "G"
BY-LAW #9/2009
Unightly Premises

REQUIREMENTS FOR BOARDED-UP BUILDINGS

In order to comply with Section 5, the owner of a boarded up dwelling must ensure that the dwelling meets the following requirements"

- a. All doors, windows, and other openings at the basement and first floor levels must be covered with a solid piece of plywood at least three eighths inches (3/8) (11 millimeters) thick and secured with screws or coated nails at least 2 inches (50 millimeters) in length, spaced not more than 6 inches (150 millimeters) on centre.
- b. All doors, windows and other openings above the first floor must be covered with a solid piece of plywood, at least one quarter inch (5/16) (8 millimeters) thick adequately secured with nails or screws at least 2 inches (50 millimeters) in length, spaced not more than 6 inches (150 millimeters) on centre.
- c. Where plywood is applied to openings, it must first be installed from the exterior, fitted within the frames in a watertight manner, and protected from the elements with paint or preservatives in a manner that does not detract from the appearance of other properties in the immediate vicinity.
- d. Exterior access to floors above the first floor, including fire escapes and ladders, must be rendered inaccessible by removing them to a height of at least 13 feet (four meters) or guarded in some other manner acceptable to a designated officer.
- e. Openings to areaways must be adequately secured and protected by one of the following methods:
 - i. Covered by a metal plate of at least 5/16 (8 millimeters) thick and secured so as to prevent it from shifting;
 - ii. Filled with concrete or unshrinkable fill.
- f. Loose material on the exterior of a building must be removed and any condition which is or may become dangerous must be eliminated.
- g. Electricity, natural gas and water must not be cut off where they are necessary to maintain fire protection systems or fire alarms.
- h. Where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water may be cut off in a manner satisfactory to an enforcement officer.
 - i. Any doors, windows or other openings that are not boarded-up must be kept in a watertight condition.