

CITY OF STEINBACH

By-Law No. 2157

BEING A BY-LAW of the City of Steinbach to establish minimum standards of building safety for residential dwellings within the City of Steinbach.

WHEREAS subsection 232(1) of the Municipal Act, S.M. 1996, c. 58 (the "Act") provides, in relevant part, as follows:

Spheres of Jurisdiction

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

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (c) subject to Section 233, activities or things in or on private property;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws.

AND WHEREAS section 232(2) of the Act provides, in relevant part, as follows;

Exercising by-law-making powers

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

- (a) regulate or prohibit;
- (b) adopt by reference in whole or in part, with any changes the Council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a Province or a recognized technical or professional organization, and require compliance with the code or standard;
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspection, licenses, permits and approvals, including fees related to recovering the costs of regulations.

AND WHEREAS section 4 of The Buildings and Mobile Homes Act provides as follows:

Municipal responsibility

4. Notwithstanding anything to the contrary in any other Act of the Legislature, each municipality unless excluded under clause 2(2)(c) shall adopt and enforce any building construction code or building construction standard adopted, established or prescribed under section 3 for the province or the municipality or the part of the province in which the municipality is situated, and may make such by-laws as are necessary for those purposes.

AND WHEREAS subsection 236(1) of the Act provides, in relevant part, as follows:

Contents of by-laws under clause 232(1)(o)

236(1) Without limiting the generality of clause 232(1) (enforcement of by-laws), and subject to subsection (3) 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 offenses,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for a an offense 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 offense, 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 of otherwise disposing of plants, animals, vehicle, or other things related to a contravention,
 - (v) charging and collecting costs incurred in respect of action under subclause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offenses or nonpayment of fines.

AND WHEREAS the Council of the City of Steinbach and its delegates have the authority of jurisdiction to enforce the City of Steinbach Zoning By-Law, and the City of Steinbach Building By-Law.

AND WHEREAS the Council of the City of Steinbach deems it necessary and expedient to pass a by-law for the purposes of ensuring that the conditions are safe for the general welfare and health of persons occupying dwellings within the City of Steinbach;

NOW THEREFORE COUNCIL OF THE CITY OF STEINBACH, DULY ASSEMBLED, HEREBY ENACTS AS A BY-LAW AS FOLLOWS:

1. Definitions
 - (a) "Appliance" means a device to convert fuel into energy and includes all components, controls, wiring and piping required to be part of the device by the applicable standard.
 - (b) "Designated Officer" means Fire Chief or any other person or agency employed by or acting for the City of Steinbach and partially or wholly responsible for public safety, fire safety, building safety, and property standards within the City of Steinbach.
 - (c) "Dwelling Unit" means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

- (d) “Smoke Alarm” means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.
 - (e) “Carbon Monoxide Alarm” means a combined carbon monoxide detector and audible alarm detector that is designed to sound an audible alarm upon detection of excess concentrations of carbon monoxide.
 - (f) “Owner” means a person who is an owner of a freehold estate in the city and includes a person who is an owner jointly with another person, and a person who is registered under *The Condominium Act* as the Owner, as defined in that *Act*, of a unity under that *Act*.
2. All Owners of a Dwelling Unit, at the time of passage of this by-law, are required to provide for, install, and maintain the following items in conformance with the Manitoba Building Code, the Manitoba Fire Code, and as otherwise may herein be provided:
- (a) Smoke Alarms
 - (i) Smoke Alarms must be installed in each Dwelling Unit and must be:
 - a. Hard wired, electrically powered, and installed in conformance with the manufacturer’s instructions; or
 - b. Ten-year lithium battery powered and installed in conformance with the manufacturer’s instructions.
 - (ii) Smoke Alarms within a Dwelling Unit must be installed between each sleeping area and the remainder of the Dwelling Unit, and where a sleeping area is served by a hallway, they must be installed in that hallway.
 - (iii) Smoke Alarms must be inspected and tested at least once a year to ensure their proper operation.
 - (iv) Smoke Alarms must be re-tested each time a new tenant moves into a Dwelling Unit to ensure that the Smoke Alarms are operating properly.
 - (v) The Owner must demonstrate the proper operation and testing of each Smoke Alarm within a rental unit to each tenant each time a new tenant moves into a Dwelling Unit.
 - (vi) The Owner must ensure that records of testing and inspection under subclause (iii), (iv), and (v) are maintained.
 - (vii) The Owner must provide each tenant with contact information for the tenant to provide the Owner notice if a Smoke Alarm is not working properly.
 - (viii) The Owner must replace a Smoke Alarm that is not working properly within 24 hours of notification.
 - (b) Carbon Monoxide Alarms
 - (i) Carbon Monoxide Alarms are required in Dwelling Unit occupancies that contain;
 - a. An installed fuel burning Appliance; or
 - b. An attached storage garage

- (ii) Carbon Monoxide Alarms must be installed:
 - a. Inside each bedroom, or outside each bedroom, within 5 meters of each bedroom door; and
 - b. In any room containing a solid fuel-burning Appliance.
- (iii) Carbon Monoxide Alarms shall be installed in conformance with manufacturer's instructions.

(c) Egress

- (i) Every building shall have access to a safe, continuous and unobstructed exit from the interior of the building to the exterior.
 - (ii) Means of egress shall not be sealed shut and all egress shall be:
 - a. Maintained in good repair; and
 - b. Free of objects or any other conditions which could cause an accident or fire hazard.
 - (iii) Except where a Dwelling Unit is sprinklered, each bedroom shall have at least one outside window or exterior door that;
 - a. Is operable from the inside without the use of keys, tools or special knowledge and without the removal of sashes or hardware; and
 - b. Provides an unobstructed opening installed to the standards of the Manitoba Building Code; and
 - c. Will maintain the required opening during an emergency without the need for additional support.
 - (iv) Where a bedroom window opens into a window well, the required clearance shall be provided in front of the window.
3. Upon investigation of a complaint, or an inspection of a Dwelling Unit, if the Designated Officer determines that a person has contravened, or does not comply, or improperly complies, or only partly complies, with any provision of this by-law, or an Act of the Legislature, a by-law of the city, or a regulation, the Designated Officer shall issue a Notice of Violation and Order to Comply. The Designated Officer shall provide a copy of the notice to the Owner and the occupier of the premises, giving the Owner a minimum of 7 days to comply with the order, or an additional amount of time, as may be determined by the Designated Officer.
4. The City shall serve the notice indicated above in one of the following manners:
- (a) Personal service on the Owner(s); or
 - (b) Certified mail service on the Owner(s); or
 - (c) Registered mail service on the Owner(s)

If for any reason written notice cannot be served, notice may instead be given by posting it at Steinbach City Hall and at the property being in non-compliance, for a time period to be at the discretion of the Designated Officer.

Offences and Penalties

5. Subject to the Administrative Penalty By-Law or a by-law implemented under the authority of the Provincial Offences Act, any person who, after being issued a notice and order to comply continues to contravene or does not comply or improperly complies or partially complies by the date of required compliance as provided in the notice with
 - (a) any provision of the code or this by-law or any provision of any other by-law that, by this by-law is made applicable to the City or made applicable to proceedings taken or things done under this by-law; or
 - (b) any provision of any by-law, regulations, or order enacted or made by the City,is guilty of an offence and liable to a fine of \$1,000.00 in the case of an individual or a corporation.
6. Where a corporation commits an offense against this by-law each person who is authorized, consented to, connived at, or knowingly permitted or acquiesced in the offense is likewise guilty of the offense and liable to the penalty for which provision is made in Section 5.
7. Where the contravention, refusal, neglect, omission, or failure continues for more than one day the person is guilty of a separate offense for each day it continues.
8. Wherever the provisions of any City by-law or any Act pertaining to the same subject matter contained herein impose overlapping or contradictory regulations over the regulation of dwelling safety standards, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive standard shall apply.
9. In addition to all other rights of collection, which the City may have at law, such amounts may be collected by the City in the same manner as a tax may be collected or enforced under the Municipal Act and added to the Owner's taxes.
10. This by-law shall become effective immediately upon its passage by City Council.

DONE AND PASSED by the Council of The City of Steinbach duly assembled this ____ day of _____, 2020.

Mayor

Read a first time this 1st day of September, 2020.
Read a second time this day of 2020.
Read a third time this day of 2020.

City Manager