

THE CITY OF WINNIPEG

BY-LAW NO. 859/75

A By-Law to amend By-Law No. 692/74
being The Encroachment By-Law.

The City of Winnipeg, in Council assembled, enacts as follows:

1. Subsection 4 (2) of By-Law No. 692/74 of The City of Winnipeg is amended by adding thereto, at the end thereof, the following:

"subject to the following provisions:

(a) Such encroachment may not be enlarged or altered in any manner except in conformity with this By-Law for the whole encroachment provided however that the changing of moveable parts of signs or other encroachments that are designed for changes or the re-painting shall not be deemed to be alterations within the meaning of this Section.

(b) Should such encroachment be destroyed by any means to an extent of more than fifty per cent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this By-Law.

(c) Should such encroachment be moved for any reason, any distance whatever, it shall thereafter conform with the provisions of this By-Law for the new location.

(d) Should such encroachment be required to be altered as the result of the provisions of Section 9, such alterations shall be made in accordance with the terms set forth therein."

2. Subclause 4 (3) (d) of the By-Law is amended by adding at the end thereof, the following:

"except as set out in Schedule "A" to this By-Law and be subject to the specific requirements of Schedule "A" to this By-Law."

3. Subclause 4 (3) (e) of the By-Law is amended by deleting the word "pay" in the first line thereof and substituting therefor the words "be subject to".

4. Subsection 4 (3) of the By-Law is amended by adding thereto immediately after Clause (e) thereof, the following clause:

(f) be constructed so that the removal of the encroachment may be made without causing the building to become structurally unsafe.

5. Section 4 of the By-Law is amended by adding immediately after Subsection (3) thereof, the following subsections:

(4) No person shall maintain or permit to be maintained, an encroachment if it interferes with any light, power, telephone or telegraph pole or wire, or any apparatus or appliance connected therewith, or with any utility as provided in By-Law No. 740/74, being The Winnipeg Building By-Law.

(5) Where, in the judgment of the Commissioner of Environment, the age of the building or type of encroachment requires certification, as a condition precedent to the issuance of a license, or the renewal of same, the owner or his authorized agent or the person responsible for the building encroachment, may be required to supply the City with a certificate by a Registered Architect or Professional Engineer of the Province of Manitoba stating that such encroachment is structurally sound.

(6) The Commissioner of Environment may refuse to issue a permit,

(i) to erect an encroachment, if the erection of such encroachment interferes with traffic or with the effectiveness of a traffic control device.

(ii) to re-erect an encroachment if the encroachment has been altered to such an extent that it interferes, by reason of such alteration, with traffic or with the effectiveness of a traffic control device.

6. Section 5 of the By-Law is amended by adding thereto immediately after the word "owner" in the third line thereof, the following words:

"or his authorized agent".

7. Section 6 of the By-Law is amended as follows:

(a) by inserting immediately before the word "The" where it first appears in line one thereof, the number (1).

(b) by adding immediately after subsection (1), the following:

"(2) License fees for signs shall be paid within thirty days of the due date. License fees not paid within the thirty day period shall have an additional amount added to the fee at the rate of \$5.00 per month or a portion thereof.

(3) Notwithstanding subsection (2), failure to pay the license fee within the period of thirty days shall constitute a violation of this By-Law.

(4) (a) Licenses for encroachments are transferable

throughout the year in which the license is valid.

(b) In the case of the death of the licensee, or the disposal by the licensee of the business or premises including the encroachment, during the currency of the license issued therefor, the license shall expire, unless the new owner or the legal representative of the previous owner applies to the Commissioner of Environment and obtains a transfer of the license within the year that the license is valid.

(c) When an encroachment is removed from one location and re-located in another location, the licensee shall apply to the Commissioner of Environment for a transfer of the license to the new address prior to the transfer.

(5) Upon cancellation of the license, there shall be no refund of any portion of the license fee.

8. Section 10 of the By-law is repealed and the following substituted therefor:

"Any annual license fees, costs and expenses imposed by Sections 6 and/or 9 in respect of an encroachment, may be added to the taxes of the subject property and collected in the same manner as ordinary municipal taxes."

9. By-law No. 692/74 is amended by adding after Section 13 thereof, the following section:

"Schedule

14. The Document attached hereto and marked Schedule "A" hereto, shall form part of this

By-Law and shall be identified by the signature
of the City Clerk."

DONE AND PASSED, in Council assembled, this *22nd*
W.A.O. day of *January* A.D. *1974-1975*


Mayor

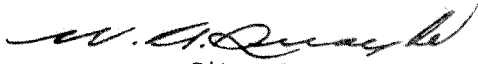

City Clerk

Certified as to form:


for D. C. Lennox, Q.C.,
City Solicitor.

SCHEDULE "A"

to By-Law 692/74 of The City of Winnipeg


City Clerk

SCHEDULE "A"

1. AREAWAYS:

- (1) All areaways shall be constructed with sufficient reinforced concrete walls and roofs to retain the surface of the street and its superimposed live loads to the satisfaction of the Commissioner of Works and Operations.
- (2) All areaways having all or portion of its structure exposed at the sidewalk surface shall
 - (a) be constructed of noncombustible materials,
 - (b) be provided with solid non-slip surfaces, and
 - (c) not extend above the street or sidewalk surface.

2. AWNINGS, AND SUN VISORS:

- (1) The owner of any awning, or sun visor shall prevent the accumulation of excess water, snow or ice on any such awning, or sun visor.
- (2) The horizontal clearance between any portion of an awning, or sun visor shall be not less than twenty-four (24") inches from that portion of the Street used by vehicular traffic and in no case shall they encroach more than twelve feet (12') over the street.
- (3) Where combustible textiles are permitted, they shall be flame-proofed by treatments approved by recognized laboratories in accordance with the National Fire Protection Association's "Standard for Flameproofed Textiles", NFPA 701, and flameproofed annually.
- (4) All fixed awnings, or sun visors shall be con-

structed of noncombustible materials and designed to sustain live loads as specified in The Winnipeg Building By-Law No. 740/74.

(5) All collapsible awnings shall be constructed of noncombustible framing and designed to sustain the dead and live loads that may be imposed thereon. Combustible textile covering may be used in accordance with subsection (3).

(6) No portion of a fixed awning, canopy or sun visor or of a collapsible awning shall be permitted to be less than eight feet six inches (8' 6") above the level of the sidewalk or established grade except that any fringe associated with such awning made of canvas, cloth or other similar material may have a clearance of not less than seven feet six inches (7' 6").

3. DOORS:

Hereinafter or heretofore erected doors and other movable barriers, whether in the open or closed position, shall not encroach over or into a Street.

4. FIRE APPARATUS:

(1) Exterior hose connections for fire extinguishing equipment and air inlets and outlets hereafter installed, shall not project over or into a Street.

(2) Where fire alarm bells or gongs are required to warn the occupants of the building to which it is attached, they may project not more than twelve inches (12") over a Street and not less than eight feet six inches (8' 6") from the sidewalk level or established grade.

5. FIRE ESCAPES:

No portion of a fire escape shall

(i) be less than 11' 0" above the sidewalk or established grade.

(ii) be less than 24" from that portion of the Street

used by vehicular traffic and in no case shall it encroach more than 12 ft. over the street.

6. MARQUEES AND CANOPIES:

No portion of a marquee or canopy shall

(a) be less than 8' 6" above the sidewalk or established grade.

(b) be less than 24" from that portion of the Street used by vehicular traffic and in no case shall it encroach more than 12 ft. over the street.

7. SIGNS:

(1) Except as otherwise provided herein, all encroaching signs shall be constructed in accordance with the provisions of The Winnipeg Building By-Law No. 740/74.

(2) Illuminated signs encroaching on, over or into streets shall be constructed of noncombustible materials throughout except combustible plastics as provided in The Winnipeg Building By-Law No. 740/74 may be used as facing material, letters and decorations.

(3) No portion of encroaching signs shall

(a) Be less than 11 ft. above the sidewalk or established grade except for marquee or canopy signs complying with The Winnipeg Building By-Law No. 740/74 and except as provided in Subsections (5) and (6).

(b) Be less than 24" from that portion of the Street used by vehicular traffic and in no case shall it encroach more than 12 ft. over the street.

(4) No free swinging or rotating encroaching sign, except those operated by a mechanical device, shall hereafter be erected on, hung or attached to any building or structure and those erected prior to the passage of this By-Law, shall be immediately removed by the owner, proprietor or occupant thereof or changed to conform with

this By-Law when so ordered.

- (5) Every encroaching warning sign as required in The Winnipeg Building By-Law No. 740/74 shall be not less than 8' 6" above the sidewalk or established grade.
- (6) Temporary signs or wall signs, when 8' 6" or more above the sidewalk or established grade may encroach not more than twelve inches, in no case shall such sign encroach below this clearance.
- (7) Ground signs shall not be permitted to encroach over a Street except by the express permission pursuant to a resolution of Council.
- (8) Except as otherwise provided by any other By-Law of the City and except as provided in Subsection (9) the area of any encroaching projecting sign whether made up in one or more sections, shall not exceed 90 sq. ft. on any one side or a total of 180 sq. ft. for the entire sign.
- (9) Except as otherwise provided by any other By-Law of the City, an encroaching projecting sign, the vertical dimensions of which exceed its horizontal dimensions, shall not have an area exceeding 125 sq. ft. on any one side or a total area exceeding 250 sq. ft.
- (10) Except as otherwise provided by any other By-Law of the City, the total area of a combination roof and encroaching projecting sign shall not exceed 125 sq. ft. on any one side.