

FILE NOS. SC-3.1
and ER-1.5
BY-LAW NO. 5381/90

A By-law of The City of Winnipeg to
amend By-law No. 1481/77, being The
City of Winnipeg Streets By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as
follows:

1. Section 4.04 of By-law No. 1481/77 of The City of
Winnipeg is repealed and the following substituted therefor:

"4.04 **Signs and Banners**

- (a) No person shall suspend, fasten or place any poster, banner, advertising device or sign of any kind in, on, or over a street or upon a lamp post, utility pole, traffic control device, structure or tree located in a street, except as hereinafter provided.
- (b) Subsection (a) hereof does not prohibit the existence or placement of the following:
 - i) The posting or placement of any notice, poster or sign upon an outdoor notice board or kiosk located in a street where the notice board or kiosk has been designated in writing for such purpose by the Commissioner of Planning and Community Services.
 - ii) The posting or placement of a sign advertising a garage sale erected in compliance with Schedule "F".
 - (iii) The existence or mounting of banners, flags, signs or other devices by Winnipeg Hydro or any other government authority or crown corporation upon its own utility poles where the mounting of the banners, flags, signs or devices has been approved pursuant to Schedule "G".
 - (iv) Advertising on transit passenger shelters and benches pursuant to agreements with the City for the design, manufacture, installation and maintenance of the said transit passenger shelters and benches; or
 - (v) Notices, posters, signs or other papers or devices authorized or required by law."

2. Section 7.04 of By-law No. 1481/77 of The City of
Winnipeg is hereby repealed.

3. Section 7.05 of By-law No. 1481/77 of The City of Winnipeg is hereby renumbered 7.04.

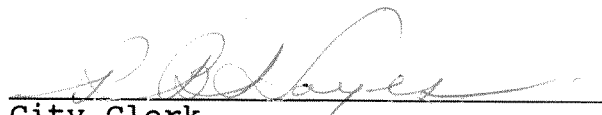
4. Item "e" of Schedule "A" to By-law No. 1481/77 of The City of Winnipeg which provides a \$5.00 fee for "each permit for erection of signs or banners in a street" is hereby deleted.

5. By-law No. 1481/77 of The City of Winnipeg is hereby amended by the addition thereto of the attached Schedule "G".

DONE AND PASSED, in Council assembled, this *10th* day
of *October* A.D. 1990.

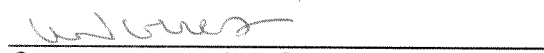


Mayor



City Clerk

Certified as to form:



for F. N. Steele, Q.C.,
City Solicitor.

BY-LAW NO. 5381/90

SCHEDULE "G"

Mounting of flags, banners and
devices on utility poles.

1. Banners, flags, signs and other devices may be mounted upon utility poles located within streets only as provided herein.
2. The person seeking to have the banner, flag, sign or device mounted shall submit an application to the Commissioner containing the following information:
 - (a) Name, address and telephone number of the applicant.
 - (b) Location of the utility pole(s) upon which the device is to be mounted.
 - (c) Position of each device in relation to nearby buildings or structures.
 - (d) Drawing of the proposed device and specifications as to its construction, including size, weight, shape, material, colour and content.
 - (e) Specifications as to the manner of mounting.
 - (f) Period during which the applicant requests that the device be mounted.
 - (g) Where the utility poles are the property of a government authority or crown corporation other than Winnipeg Hydro, a written undertaking from that authority to mount the device upon such terms and conditions as the authority may impose.
3. The applicant shall, if required by the Commissioner, provide:
 - (a) An Engineer's Report and calculation demonstrating that the device shall be constructed and mounted in such manner as to safely withstand the deadload and anticipated wind pressures.
 - (b) Such further information as the Commissioner may require to demonstrate compliance with all other City by-laws.
4. The Commissioner shall consider all requests and shall approve on a first come basis those requests which comply with the following criteria:
 - (a) The mounting locations are within those portions of those streets identified in Schedule "A" of By-law No. 1991/78.
 - (b) The utility poles upon which mounting is requested are available. The utility pole shall be deemed to be unavailable where prior approval has been given pursuant to clauses 5.1(a) or 5.1(c) for the mounting of a different device during the period to which the application relates.
 - (c) The device will be mounted by means of metal brackets, anchors, bolts, rubber connections or other connections which, in combination with the device, will be safe, secure and visually

attractive. In no case shall the device be attached by wire, strips of wood, nails, glue or tape.

- (d) The device will be mounted in a manner which will not present a danger to the public nor cause damage to the utility pole.
- (e) The device will be mounted at least sixteen feet above grade.
- (f) The device will be a safe distance from any power line.
- (g) The device will not be mounted at the intersection of any streets in such a manner as to obstruct vision, or at any location where, by reason of its position, shape or colour, it may interfere with, obstruct the view of or be confused with any traffic sign or device.
- (h) The device will not block natural light from the doors or windows of surrounding buildings.
- (i) The device is compatible with general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is to be located.
- (j) The device does not direct attention to a business operated for profit nor to a commodity or service for sale.
- (k) The device is not, in the opinion of the City Solicitor, contrary to the Criminal Code of Canada or any other law.

5.1 Where a request complies with the criteria set forth in Section 4, the Commissioner shall approve the request in writing as follows:

- (a) Where the period specified in the application does not exceed 30 days, approval shall be given for the period specified in the application;
- (b) Where the application is for the posting of a sign or device identifying a business improvement zone established pursuant to Section 197 of The City of Winnipeg Act or identifying a neighbourhood watch area or providing direction to a church, community centre or other permanent public facility, approval shall be given for the period specified in the application, including a permanent installation;
- (c) Except as provided in clause (b) hereof, where the period specified in any application exceeds 30 days, approval shall be given for an initial 30 day period, subject to such extensions as may be provided pursuant to Section 7.

5.2 Where the device is to be mounted upon a utility pole owned by Winnipeg Hydro, the Commissioner shall provide the applicant with a statement of the costs which he estimates will be incurred for the mounting, maintenance and removal of the device.

6. In the case of requests to mount devices upon utility

poles owned by Winnipeg Hydro, upon payment by the applicant of the costs referred to in Section 5.2, Winnipeg Hydro shall cause the device to be mounted and maintained in accordance with the information contained in the application.

- 7.1 Where an application to mount a sign for a period exceeding 30 days is approved pursuant to clause 5.1(c), the Commissioner shall, prior to the end of the 30 day period, review the application. In the event that he finds the device to remain in good condition and there has been no other request approved for the posting of a different sign at the same location, the Commissioner shall extend his approval for the balance of the period requested to a maximum of a further thirty days.
- 7.2 The Commissioner shall continue to review applications to post devices for periods exceeding sixty days at thirty day intervals and shall continue to extend his approval where the criteria contained in subsection 7.1 are met.
8. Notwithstanding anything contained herein, the Commissioner may withdraw his approval of the mounting of a banner, flag, sign or other device if the said device becomes a potential danger to the public.
9. Upon the expiry or withdrawal of the Commissioner's approval of the mounting of a banner, flag, sign or other device upon a utility pole, the said device shall forthwith be removed by the owner of the utility pole.