THE WINNIPEG BUILDING BY-LAW

BY-LAW No.
1544/77

BUILDING BYLAW

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THE WINNIPEG BUILDING BY-LAW

SECTION 1 TITLE

SUBSECTION 1.1. This Bylaw may be cited as "THE WINNIPEG BUILDING BY-LAW".

SECTION 2 SCOPE

SUBSECTION 2.1. This Bylaw applies to new and existing construction, including the construction, erection, placement, alteration, repair, renovation, demolitions, relocation, removal, occupancy or change in occupancy of any building, erection or structure or addition to a building, erection or structure.

SUBSECTION 2.2. This Bylaw adopts the *building* construction *codes* and *building* construction standards adopted, established or prescribed under section 3 of The Buildings and Mobile Homes Act. (Chapter B93 in the Continuing Consolidation of the Statutes of Manitoba.)

SUBSECTION 2.3. This Bylaw establishes administrative requirements and procedures for the enforcement of the Manitoba Building Code.

SECTION 3 DEFINITIONS OF WORDS AND PHRASES

SUBSECTION 3.1. For definition of words used in this Bylaw that are not included in this section, reference should be made to a standard dictionary.

SUBSECTION 3.2. The words and terms defined in this section appear in italics throughout the text of this Bylaw.

SUBSECTION 3.3. The words and terms used in this Bylaw have the following meanings:

Alteration means a change or extension to any matter or thing or to any *occupancy* regulated by this Bylaw.

Appliance means

(a) 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 referred to in the *code*, or

(b) a receptacle or equipment that receives or collects water, liquids or *sewage* and discharges water, liquids or *sewage* either directly or indicrectly to a plumbing system.

Appropriate authority having jurisdiction means the departments of the provincial governments and agents thereof that have authority over the subject that is regulated.

Approved means approved by the ***authority having jurisdiction*** or the ***appropriate authority having jurisdiction*** except when used with reference to materials or fixtures used in a plumbing system in which case it means:

(a) that such materials or fixtures have been submitted for examination and testing to the Canadian Standards Association; that formal certification has been given to the effect that they conform to the CSA standards; that the materials or fixtures have the required markings, and also are acceptable to the authority having jurisdiction; or

(b) that such materials or fixtures have been approved by the Minister of Health of the Province of Manitoba, and are also acceptable to the authority having jurisdiction; or

(c) that the materials or fixtures are acceptable to the authority having jurisdiction and such acceptance shall be considered only when warranted, and in the opinion of the authority having jurisdiction and shall apply mainly to the materials and fixtures of other than the regular line of manufactured materials or fixtures built to the customer's order, or materials or fixtures manufactured or produced singly or in small quantities.

Areaway means an underground ***building*** used for the convenience of the adjacent ***building*** it serves built separately or attached to said ***building*** and built entirely below ground, and may have all or a portion of its structure exposed at ground level. ***Areaways*** shall include: light openings, light wells, vaults, storage space, conduit, tunnels, pipelines, coal ***chutes***, service ***chutes*** and other underground conveying devices.

Assembly occupancy means the *occupancy* or the use of a *building*, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

Authority having jurisdiction means the *Supervisor of Building Inspections*; and any person authorized by him to administer this Bylaw.

Awning, collapsible means any roof-like *structure* other than a *marquee* attached to a *building* in an immovable position and projecting more than twelve (12) inches from the face of the *building* shall also include sun visors, louvres and other roof-like *structures* used to provide shade.

Awning, fixed means any rigid roof-like structure other than a *marquee* attached to a *building* in an immovable position and projecting more than twelve (12) inches from the face of the *building* shall also include sun visors, louvres and other roof-like structures used to provide shade.

Building means any structure used or intended for supporting or sheltering any use or *occupancy*.

Building, farm means any *building* for the purpose of maintaining the operation of a farm so as to provide shelter for farm produce, animals and equipment. Commercial, industrial and residential *buildings*, shall not be construed as *farm buildings*.

Building area means the greatest horizontal area of a *building* above *grade* within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of *firewalls*.

Building drain means the nominally horizontal piping, including any *offset* that:

(a) is located
  (i) completely below the lowest *storey*, or
  (ii) completely in the lowest *storey*,
(b) is at least 4 inches in *size*,
(c) is connected at its upstream end to a *soil* or waste stack and stack vent at least 3 inches in *size*, and
(d) conducts *sewage*, *clear-water waste* or *storm water* to a *building sewer*.

Building height (in *storeys*) means the number of *storeys* contained between the roof and the floor of the *first storey*.

Building sewer means a pipe that is connected to a *building drain* 3 ft. (0.91 m) outside a wall of a *building* and that leads to a public sewer or *private sewage disposal system*.

Business and personal services occupancy means the *occupancy* or use of a *building* or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

Canopy means any roof-like ***structure*** projecting more than twelve (12) inches from the face of a ***building*** having a rigid frame, and attached to said ***building*** in such a manner as not to become an integral part thereof.

Chute (as pertaining to PART 10) means a channel, trough, tube, shaft, etc., for conveying water, grain, coal, mail and other goods to a ***building*** and having all or a portion of its structure exposed at or above ground level.

City, means The City of Winnipeg established under Section 3 of The City of Winnipeg Act.

Cleanout means an access provided in *drainage* and *venting systems* to provide for cleaning and inspection services.

Clear-water waste means water that does not contain *sewage* or *storm water.*

Code means The Manitoba Building Code.

Combustible (as applying to an elementary building material) means that such material fails to conform to the latest edition of CSA B54.1, "Determination of Non-Combustibility in Building Materials".

Constructor means a person who contracts with an *owner* or his authorized agent to undertake a project, and includes an *owner* who contracts with more than 1 person for the work on a project or undertakes the work on a project or any part thereof.

Council means the Council for the City for the establishment of which provision is made in Section 9 of The City of Winnipeg Act.

Deep foundation means a *foundation unit* that provides support for a *building* by transferring loads either by end-bearing to a *soil* or *rock* at considerable depth below the *building*, or by adhesion or friction, or both, in the *soil* or *rock* in which it is placed. *Piles* are the most common type of *deep foundation.*

Drainage system means an assembly of pipes, fittings, *fixtures, traps* and appurtenances that is used to convey *sewage, clear-water waste* or *storm water* to a public sewer or a *private sewage disposal system*, but does not include *subsoil drainage pipes.*

Dwelling unit means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Excavation means the space created by the removal of *soil, rock* or fill for the purposes of construction.

Exposing building face means that part of the exterior wall of a *building* which faces one direction and is located between ground level and the ceiling of its top *storey*, or where a *building* is divided into *fire compartments*, the exterior wall of a *fire compartment* which faces one direction.

Fire compartment means an enclosed space in a *building* that is separated from all other parts of the *building* by enclosing construction providing a *fire separation* having a required *fire-resistance rating*.

Fire-protection rating means the time in hours or fraction thereof that a *closure*, window assembly or glass block assembly will withstand the passage of flame when exposed to fire under specified conditions of test and performance criteria, or as otherwise prescribed in this Bylaw.

Fire-resistance rating means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived therefrom as prescribed in this Bylaw.

Fire separation means a construction assembly that acts as a barrier against the spread of fire and may not be required to have a *fire-resistance rating* or a *fire-protection rating*.

Firewall means a type of *fire separation* of *non-combustible construction* which subdivides a *building* or separates adjoining *buildings* to resist the spread of fire and which has a *fire-resistance rating* as prescribed in this Bylaw and has structural stability to remain intact under fire conditions for the required fire-rated time.

Fixture means a receptacle, *appliance*, apparatus or other device that discharges *sewage* or *clear-water waste* and includes a floor drain.

Foundation means a system or arrangement of *foundation units* through which the loads from a *building* are transferred to supporting *soil* or *rock*.

Foundation unit means one of the structural members of the *foundation* of a *building* such as a footing, raft or *pile*.

Grade (as applying to the determination of *building height*) means the average level of finished ground adjoining a *building* at all exterior walls, as determined by the *authority having jurisdiction* (see *storey, frist*).

High hazard occupancy (see *industrial occupancy, high hazard*).

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 or pedestrians, with or without fee or charge therefor, and includes all the space between the boundary lines thereof whether or not used for vehicular or pedestrain traffic; and, without restricting the generality of the foregoing, includes roads, road allowances, streets, lanes, thoroughfares, and other means of communication dedicated to the public use as highways, or opened or made as highways under this By-law or any Act, and any part of a ***highway*** as so defined, and also includes all bridges, subways, underpasses, grade separations, piers, wharves, ferries, and squares, and the road improvements thereon, dedicated to the public use; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon.

Industrial Occupancy, high hazard (Group F, Division 1) means an *industrial occupancy* containing sufficient quantities of highly *combustible* and flammable or explosive materials which, because of their inherent characteristics, constitute a special fire hazard.

Industrial occupancy, medium hazard (Group F, Division 2) means an *industrial occupancy* in which the *combustible* content is more than 10 lb (4.5 kg) or 100,000 Btu/sq. ft. (1 135 600 kJ/m²) of floor area and not classified as *high hazard industrial occupancy*.

Industrial occupancy, low hazard (Group F, Division 3) means an *industrial occupancy* in which the *combustible* content is not more than 10 lb (4.5 kg) or 100,000 Btu/sq. ft. (1 135 600 kJ/m²) of floor area.

Institutional occupancy means the *occupancy* or use of a *building* or part thereof by persons harboured or detained to receive medical care or treatment, or by persons involuntarily detained.

Limiting distance means the distance from an *exposing building face* towards a property line, the centre line of a *street*, lane, public thoroughfare or an imaginary line between 2 *buildings* on the same property, measured at right angles to the *exposing building face*.

Low hazard industrial occupancy (see *industrial occupancy, low hazard*).

Marquee means any roof-like *structure* constructed and erected as a permanent part of the *building* over an entrance thereto, and projecting more than 12 inches from the exterior wall of the *building*.

Medium hazard industrial occupancy (see *industrial occupancy, medium hazard*).

Mercantile occupancy means the *occupancy* or use of a *building* or part thereof for the displaying or selling of retail goods, wares or merchandise.

Occupancy means the use or intended use of a *building* or part thereof for the shelter or support of persons, animals or property.

Occupancy, major means the principal *occupancy* for which a *building* or part thereof is used or intended to be used, and shall be deemed to include the subsidiary *occupancies* which are an integral part of the principal *occupancy*.

Occupant load means the number of persons for which a *building* or part thereof is designed.

Offset means the piping that connects the ends of 2 pipes that are parallel.

Owner means any person, firm or corporation controlling the property under consideration.

Permit means permission or authorization in writing by the *authority having jurisdiction* to perform work regulated by this Bylaw and, in the case of an occupancy *permit*, to occupy any *building* or part thereof.

Person means any *person*, firm, co-partnership or corporation or any trustee, manager or other person, either individually or jointly with others, owning or occupying any *building* or place or having the management or supervision of any *building* or place to which this By-law applies, and includes any agent, workman, servant or employee of such *person*, firm, co-partnership, or corporation.

Pile means a slender *deep foundation* made of materials such as wood, steel or concrete or combination thereof, which is either premanufactured and placed by driving, jacking, jetting or screwing or cast-in-place in a hole formed by driving, excavating or boring. (Cast-in-place bored *piles* are often referred to as caissons in Canada.)

Plumbing contractor means a person, corporation or firm that undertakes to construct, extend, alter, renew or repair any part of a plumbing system.

Potable means safe for human consumption.

Private sewage disposal system means an *approved* privately owned plant for the treatment and disposal of *sewage* (such as a septic tank with an absorption field).

Private water supply system means an assembly of pipes, fittings, valves, equipment and appurtenances that supplies water from a private source to a *water distribution system*.

Relocation means the moving of an existing *building* from one location to another location on the same property.

Removal means the moving of an existing *building* from one property to another property.

Renovation means the reconstruction of all or part of the interior or exterior, or both, of an existing *building*, where there is no structural reconstruction, *alteration* or enlargement of the *building*.

Repair means work done to an existing *building* for the purpose of maintenance and not amounting to a *renovation*.

Residential occupancy means the *occupancy* or use of a *building* or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.

Rock means that portion of the earth's crust which is consolidated, coherent and relatively hard and is a naturally formed solidly bonded, mass of mineral matter which cannot readily be broken by hand.

Sanitary drainage system means a *drainage* system that conducts sewage.

Service water heater means a device for heating water for plumbing services.

Sewage means liquid waste that contains animal, mineral or vegetable matter.

Sign means any writing (including letter or word), pictorial representation (including illustration or decoration), emblem (including device, symbol or trade mark), flag (including banner or pennant), or any other figure of similar character, which:

(a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a *building*,
(b) is used to announce, direct attention to, or advertise, and
(c) is visible from outside a *building*.

Sign, electric means *signs*, any part of the letters of which are formed of or are delineated by incandescent electric lamps, tubing or other light producting electrical apparatus forming an integral part thereof, *signs* having a border of incandescent or other electric lamps attached thereto, and transparent or partly transparent, *signs* whether lighted by electricity or other illuminant.

Sign, free-standing means any *sign* supported by one or more uprights or braces placed in the ground and not attached to any *building*.

Sign, illuminated means any *sign* which is lighted by means of lamps or other lighting devices reflecting on the outside face of the *sign*.

Sign, projecting means any *sign* other than a *wall sign* which is attached to a *building* and extends beyond the line of the said *building* or beyond the surface of that portion of the *building* to which it is attached more than twelve (12) inches.

Sign, roof means any *sign* erected upon and above the roof of a *building* within the peripheral exterior dimensions of the *building*.

Sign, free swinging means any *sign* which, when erected or hung on or attached to any *building* is capable of swinging, oscillating or rocking, but not as a result of mechanical devices incorporated in the *sign* for such purpose.

Sign, temporary means any *sign*, banner, pennant, valance or advertising display, with or without frames, intended to be displayed for a short period of time but shall not include those *signs* specifically exempted by this By-law.

Sign, facia means any *sign* attached against the surface of or against, or within a recess in the wall, a *column* or other perpendicular portion of a *building* in a position essentially parallel to said wall, *column* or other perpendicular portion. A facia sign shall also mean any *sign* attached to the walls of two or more *buildings* and spanning the space or spaces between the said *buildings* (A *facia sign* shall include flat or *wall signs.)*

Size means the nominal diameter by which a pipe, fitting, *trap* or other similar item is commercially designated.

Soil means that portion of the earth's crust which is fragmentary, or such that some individual particles of a dried sample may be readily separated by agitation in water; it includes boulders, cobbles, gravel, sand, silt, clay and organic matter.

Soil-or-waste pipe means a pipe in a *sanitary drainage system.*

Storey means that portion of a *building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Storey, first means the *storey* with its floor closest to *grade* and having its ceiling more than 6 ft. (1.8 m) above *grade.*

Storm water means water that is discharged from a surface as a result of rainfall or snowfall.

Street means any highway, road, boulevard, square or other improved thoroughfare 30 ft. (9.1 m) or more in width, which has been dedicated or deeded for public use, and is accessible to fire department vehicles and equipment.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes *buildings,* walls, fences, *signs,* billboards, poster panels, light standards, etc.

Sun visor means a projection from a *building* for the purpose pf providing shade to an aperture in the form of louvres, egg crating or other similar methods, but in no case designed so as to prevent air, rain, snow or other atmospheric elements from passing through such projection.

Supervisor of Building Inspections means the officer designated, or other officer performing like duties, designated under Section 484 of The City of Winnipeg Act.

Subsoil drainage pipe means a pipe that is installed underground to intercept and convey subsurface water.

Trap means a fitting or device that is designed to hold a liquid seal that will prevent the passage of gas but will not materially affect the flow of a liquid.

Trap dip means the lowest part of the upper interior surface of a *trap*.

Trap seal means the vertical distance between the *trap dip* and the *trap weir*.

Trap weir means the highest part of the lower interior surface of a *trap*.

Unsafe condition means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the premises.

Vent pipe means a pipe that is part of a *venting system*.

Venting system means an assembly of pipes and fittings that connects a *drainage system* with outside air for circulation of air and the protection of *trap seals* in the *drainage system*.

Water distribution system means an assembly of pipes, fittings, valves and appurtenances that conveys water from the *water service pipe* or *private water supply system* to water supply outlets, *fixtures*, *appliances* and devices.

Water service pipe means a pipe that conveys water from a public water main or private water source to the inside of the *building*.

SECTION 4 PROHIBITIONS

SUBSECTION 4.1. Any person who fails to comply with any order or notice issued by the *authority having jurisdiction*, or who allows a violation of the *code* to continue, contravenes the provisions of this Bylaw.

SUBSECTION 4.2. No person shall work or authorize or allow work to proceed on a project for which a *permit* is required unless a valid *permit* exists for the work to be done.

SUBSECTION 4.3. No person shall deviate from the *approved* plans and specifications forming a part of the *building permit*, or omit or fail to complete, prior to *occupancy*, work required by the said *approved* plans and specifications, without first having obtained in writing the approval of the *authority having jurisdiction* to do so.

SUBSECTION 4.4. No person shall occupy or allow the occupancy of any *building*, or part thereof or change the occupancy, unless the *owner* has obtained an *occupancy permit* or a certificate of occupancy from the *authority having jurisdiction*.

SUBSECTION 4.5. No person having authority in the construction, reconstruction, demolition, *alteration*, *removal*, *relocation* or *occupancy* of a *building* shall cause, allow or maintain any *unsafe condition*.

SUBSECTION 4.6. No person shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon, without approval having first been obtained in writing from the appropriate government authority.

SUBSECTION 4.7. No person shall allow the property boundaries of a *building* lot to be so changed as to place a *building* or part thereof in contravention of the *code* unless the *building* or part thereof is so altered, after obtaining the necessary *permit*, so that no contravention will occur as a result of the change of the property boundary or *approved grades*.

SUBSECTION 4.8. Any person who knowingly submits false or misleading information contravenes this Bylaw.

SECTION 5 DUTIES AND RESPONSIBILITIES OF THE OWNER

SUBSECTION 5.1. Every *owner* shall allow the *authority having jurisdiction* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing the *code* and this Bylaw.

SUBSECTION 5.2. Every *owner* shall obtain all *permits* or approvals required in connection with proposed work, prior to commencing the work to which they relate.

SUBSECTION 5.3. Every *owner* shall:

(a) ensure that the drawings and specifications on which the issue of the *building permit* was based are available continuously at the site of the work for inspection during working hours by the *authority having jurisdiction*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.

(b) keep visible at all times during construction the street number of the premises in figures at least three (3) inches high and visible from the street or sidewalk;

SUBSECTION 5.4. Every *owner* shall give notice to the *authority having jurisdiction* of the dates on which he intends to begin work prior to commencing work on the *building* site.

SUBSECTION 5.5. Every *owner* shall give notice in writing to the *authority having jurisdiction*, prior to commencing the work, listing

(a) the name, address and telephone number of
  (i) the *constructor* or other person in charge of the work.
  (ii) the engineer and/or architect reviewing the work, and
  (iii) any inspection or testing agency engaged to monitor the work.

(b) any change in or termination of employment of such persons during the course of the construction immediately that such change or termination occurs.

SUBSECTION 5.6. Every *owner* shall give notice to the *authority having jurisdiction*

(a) of intent to do work that has been ordered to be inspected during construction.

(b) of intent to cover work that has been ordered to be inspected prior to covering, and
(c) when work has been completed so that a final inspection can be made.

SUBSECTION 5.7. Every *owner* shall give notice in writing to the *authority having jurisdiction*

(a) immediately that any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*, or certificate of *occupancy*, and
(b) prior to occupying any portion of the *building* if it is to be occupied in stages.

SUBSECTION 5.8. Every *owner* shall give such other notice to the *authority having jurisdiction* as may be required by the provisions of the code or this By-law, and shall comply in all respects with this By-law.

SUBSECTION 5.9. TESTS

5.9.1. Every *owner* shall make or have made at his own expense tests or inspections as necessary to prove compliance with the *code*, and shall promptly file a copy of all such test or inspection reports with the *authority having jurisdiction*.

5.9.2. To the extent that is possible all tests required by the *authority having jurisdiction* shall be carried out by the *owner* in accordance with recognized standard test methods. In the absence of such standard test methods the *authority having jurisdiction* may specify the test procedure to be followed.

5.9.3. Where tests of any materials are made to ensure conformity with the requirements of the *code*, records of the test data shall be kept available by the *owner* or his agent for inspection during the construction of the *building* and for such period thereafter as required by the *authority having jurisdiction*.

SUBSECTION 5.10. Every *owner* shall provide an up-to-date survey of the *building* site when and as required by the *authority having jurisdiction*.

SUBSECTION 5.11. When required by the *authority having jurisdiction*, every *owner* shall uncover and replace at his own expense any work that has been covered contrary to an order issued by the *authority having jurisdiction*.

SUBSECTION 5.12. Every *owner* is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a *permit* was required by this Bylaw.

SUBSECTION 5.13. No *owner* shall deviate from the requirements of the conditions of the *permit* without first obtaining from the *authority having jurisdiction* permission in writing to do so.

SUBSECTION 5.14. Every *owner* shall obtain an *occupancy permit* or certificate of *occupancy* from the *authority having jurisdiction* prior to any

(a) *occupancy* of a *building* or part thereof after construction, partial demolition or *alteration* of that *building*, or
(b) change in the major *occupancy* of any *building* or part thereof.

SUBSECTION 5.15. Every *owner* shall ensure that no *unsafe condition* exists or will exist because of the work being undertaken or not completed, should *occupancy* occur prior to the completion of any work being undertaken that requires a *permit*.

SUBSECTION 5.16. When required by the *authority having jurisdiction*, every *owner* shall provide a letter to certify compliance with the requirements of the *code* and of any *permits* required.

SUBSECTION 5.17. The granting of a *permit*, the approval of the drawings and specifications or inspections made by the *authority having jurisdiction*, shall not in any way relieve the *owner* of a *building* from full responsibility for carrying out the work or having the work carried out and for maintaining the *building* in accordance with the requirements of the *code*, including ensuring that the *occupancy* of the *building*, or any part thereof, is in accordance with the terms of the *occupancy permit* or certificate of *occupancy*.

SUBSECTION 5.18. No *permit* or licence issued pursuant to this By-law nor approval of drawings or specifications of work done or to be done in connection with a *sign* or any inspection of such work shall relieve the permittee, licensee or *owner* of the *sign* from full responsibility for the carrying out of the work and maintaining the *sign* in accordance with the *code*.

SUBSECTION 5.19. When a *building* or part thereof is in an *unsafe condition*, the *owner* shall immediately take all necessary action to put the *building* in a safe condition. All *buildings* or structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the *code* in a *building* or structure when erected, *altered*, or *repaired*, shall be maintained in good working order. The *owner* or his designated agent shall be responsible for the maintenance of such *building* or structures.

SECTION 6 DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

SUBSECTION 6.1. Every *constructor* shall ensure that all construction safety requirements of the *code* are complied with.

SUBSECTION 6.2. Every *constructor* is responsible for ensuring that no *excavation* or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the *authority having jurisdiction*.

SUBSECTION 6.2. Every *constructor* is responsible for ensuring that no *excavation* or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.

SUBSECTION 6.3. Every *constructor* is responsible jointly and severally with the *owner* for any work actually undertaken.

SECTION 7 DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION

SUBSECTION 7.1. The *authority having jurisdiction* is responsible for the administration and enforcement of the *code* and this Bylaw.

SUBSECTION 7.2. The *authority having jurisdiction* shall keep copies of all applications received, *permits* and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the *code* and this Bylaw for such time as other regulations require.

SUBSECTION 7.3. The *authority having jurisdiction* shall accept any construction or condition that lawfully existed prior to the effective date of the *code* provided that such construction or condition does not constitute an *unsafe condition*.

SUBSECTION 7.4. The *authority having jurisdiction* shall issue in writing such notices or orders as may be necessary to inform the *owner* where a contravention of the *code* or this Bylaw has been observed.

SUBSECTION 7.5. The *authority having jurisdiction* shall issue to the *owner* an order or notice in writing to correct any *unsafe condition* observed in any *building*.

SUBSECTION 7.6. The *authority having jurisdiction* shall provide, when requested to do so all reasons for refusal to grant a *permit*.

SUBSECTION 7.7. The *authority having jurisdiction* shall answer such relevant questions as may be reasonable with respect to the provisions of the *code* or this Bylaw when requested to do so, but except for standard design aids shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

SUBSECTION 7.8. The *authority having jurisdiction* shall issue a *permit* to the *owner, constructor* or agent, who, to the best of his knowledge, the applicable conditions as set forth in the *code* and other relevant bylaws of the City have been met.

SECTION 8 POWERS OF THE AUTHORITY HAVING JURISDICTION

SUBSECTION 8.1. The *authority having jurisdiction* may, at all reasonable times, and with the consent of the *owner* or occupier, but subject to section 143.1 of The City of Winnipeg Act, enter any *building* or premises for the purpose of administering or enforcing the *code* or this By-law.

SUBSECTION 8.2.

8.2.1. The *authority having jurisdiction* is empowered to order

(a) a person who contravenes the *code* to comply with the *code* within the time period specified.

(b) work to stop on the *building* or any part thereof if such work is proceeding in contravention of the *code* or this Bylaw, or any condition under which the *permit* was issued, or if there is deemed to be an *unsafe condition*. Upon issuance of order to stop work, work shall be immediately stopped. The stop work order shall be in writing and shall be given to the *owner* of the property involved, or to the *owner's* agent, or to the person in charge personally, and shall state the conditions under which work may be resumed.
(c) the *removal* of any unauthorized encroachment on public property.
(d) the *removal* of any *building* or part thereof constructed in contravention of the *code*.
(e) the cessation of any *occupancy* in contravention of the *code*, and
(f) the cessation of any *occupancy* if any *unsafe condition* exists because of work being undertaken or not completed.

8.2.2. The *authority having jurisdiction* may authorize the complete or partial demolition or *removal* at the expense of the *owner* thereof, a *building* which, in his opinion, has been constructed in contravention of the *code* or any bylaw and to provide that the cost of such demolition or *removal* as certified by the *authority having jurisdiction* may be added to the taxes on the land occupied by such *building* and collected as other taxes.

8.2.3. The *authority having jurisdiction* may by written notice, require the *owner* of a *building*, or other person acting for the *owner* in respect thereof, to comply within a specified period of time to have the *building* made to conform with the *code* in such respects as are specified in the notice. Omission to give such notice, however, shall not prevent any *owner* or other person from being prosecuted for breach of the *code*.

SUBSECTION 8.3. The *authority having jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundation* conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition meets the requirements of the *code*.

SUBSECTION 8.4. The *authority having jurisdiction* may require any *owner* to submit an up-to-date plan of survey prepared by a registered land surveyor which shall contain sufficient information regarding the site and the location of any *building*

(a) to establish before construction begins that all requirements of the *code* in relation to this information will be complied with, and
(b) to verify upon completion of the work that all such requirements have been complied with.

SUBSECTION 8.5. RESPONSIBILITY FOR DESIGN AND INSPECTION

8.5.1. Except in the case of a ***building*** 3 ***storeys*** or less in height, having ***building area*** not exceeding 6,000 square feet (558m2) and which is to be used for Residential, Business and Personal Service, Mercantile, and Medium and Low Hazard Industrial Occupancies, the ***owner*** shall appoint an architect(s) and/or engineer(s) entitled to practice in the Province of Manitoba, skilled in the appropriate section of the work concerned, which consultant(s) shall be responsible for the preparation of drawings and specifications and for the inspection of construction to ensure conformity with the drawings, specifications and the applicable sections of the *code*.

8.5.2. Notwithstanding the requirements of Article 8.5.1. above, where in the opinion of the *authority having jurisdiction*, any *building* requires the services of an architect(s) and/or professional engineer(s), the architect(s) and/or professional engineer(s) shall perform all the services described in this subsection.

8.5.3. Where the construction of a *building* will not be supervised by the person(s) responsible for its design, the name and address of the person(s) who will supervise the construction shall be submitted with the application to build and notice shall be given to the *authority having jurisdiction* of any subsequent change of said person(s) or of address whenever any such change takes place.

8.5.4.(1) Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in Article 8.5.1., the drawings and specifications shall be prepared, signed and bear the seal of, and the construction inspected and certified by, an architect(s) and/or engineer(s) skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.

8.5.4.(2) Prior to the issuance of a building permit, the responsible architect(s) and/or professional engineer(s) shall submit a letter to the *authority having jurisdiction* stating the extent of his/their responsibility for the inspection of construction to ensure conformity with the approved drawings and specifications and the applicable Sections of the By-law.

8.5.4.(3) Prior to the issuance of an occupancy certificate or occupancy permit, the responsible architect(s) and/or professional engineer(s) shall, where required by the *authority having jurisdiction*, submit a letter stating:

That to the best of my/our knowledge the *building* was constructed in accordance with the approved drawings and specifications and requirements of the applicable bylaws.

8.5.4.(4) The responsible architect(s) and/or professional engineer(s) shall seal and sign all the documents referred to in Sentences (2) and (3) above.

8.5.5. The structural members of a *building* shall be designed as provided for in Part 4 of the *code* by an engineer entitled to practice in the Province of Manitoba and competent in the specific field of design undertaken.

SUBSECTION 8.6. The *authority having jurisdiction* may issue a *permit* at the risk of the *owner*, with conditions if necessary to ensure compliance with the *code* and any other applicable regulation or bylaw, to excavate or to construct a portion of a *building* before the entire drawings of the whole project have been submitted or *approved*.

SUBSECTION 8.7. The *authority having jurisdiction* may issue a *permit* for the entire project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data are of secondary importance, and are of such nature that the withholding of the *permit* until its availability would unreasonably delay the work.

SUBSECTION 8.8. The *authority having jurisdiction* may refuse to issue any *permit*

(a) whenever information submitted is inadequate to determine compliance with the provisions of the *code*, or
(b) whenever incorrect information is submitted, or
(c) that would authorize any *building* work or *occupancy* that would not be permitted by the *code*, or
(d) that would be prohibited by any other standard, bylaw, act or regulation, or
(e) to any person who has failed within a specified period of time to remedy a defect in construction under a *building permit* previously issued to him, after having been notified that such defect exists; or
(f) where, in his opinion, the results of the tests referred to in section 9 are not satisfactory, or
(g) to any *person* who has failed to pay any fees due and owing to the City under this By-law.

SUBSECTION 8.9. The *authority having jurisdiction* may revoke a *permit* if

(a) there is a contravention of any condition under which the *permit* was issued,
(b) the *permit* was issued in error, or
(c) the *permit* was issued on the basis of incorrect information.

SUBSECTION 8.10. VALUATION

8.10.1. The *authority having jurisdiction* may place a value on the cost of the work for the purpose of determining *permit* fees to be applicable.

8.10.2. The valuation to be shown on a *building permit* shall mean the total monetary worth, of all construction of work including all painting, papering, roofing, electrical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent equipment and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any *building* including mechanical, electrical and plumbing work, shall be excluded from the valuation of the *building permit* because of any other *permits* required by any governing bylaw, regulation or agency.

8.10.3. Notwithstanding the provisions of Article 8.10.2. above, the valuation for a *building permit* in the case of a *removal* or *relocation*, shall include the cost to move the *building*, *excavation* at the new site, cleaning and leaving the former site in the condition specified in the *code* and *alterations* or *repairs* to the *building*.

8.10.4. In the case of the erection, *alteration* or enlargement of any *sign* or encroachment, the valuation shall reflect the cost of any contract for the prosecution of the work with all contractors which shall include all labour costs, materials, and devices necessary to complete the work.

8.10.5. The determination of value or valuation shall be made by the *authority having jurisdiction* and shall be the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material or other causes.

8.10.6. Every *owner*, architect, engineer, contractor or builder, having contracted for or having performed or supervised any work of construction, *alteration* or *repairs* on any land, or the agent of such person, shall give, in writing over his signature when requested by the *authority having jurisdiction* all the information in his power with respect to the cost of the work.

SUBSECTION 8.11. The ***authority having jurisdiction*** may issue an ***occupancy permit*** or a certificate of occupancy, subject to compliance with provisions to safeguard persons in or about the premises, to allow the ***occupancy*** of a ***building*** or a part thereof for the ***approved*** use prior to commencement or completion of the construction or demolition work.

SUBSECTION 8.12. UNSAFE CONDITIONS

8.12.1 Any *building* or structure, that is, in an *unsafe condition* in that it is liable to fall, or to cause an explosion or to cause damage or injury to any person or property, or, in that it constitutes a fire hazard, or, that in the case of a well, *excavation*, or opening, is not properly covered or guarded, or that, in the opinion of the *authority having jurisdiction* is so dilapidated, out of *repair*, or otherwise in such condition, that it is a trap for persons or animals, shall not be allowed to remain in such condition but shall be demolished, removed, guarded, or put in a safe condition, to the satisfaction of the *authority having jurisdiction*.

8.12.2. If, in the opinion of the ***authority having jurisdiction*** a ***building*** or structure is in an ***unsafe condition*** or a well, ***excavation*** or opening is not properly covered or guarded, as set out in Article 8.12.1. above, the ***authority having jurisdiction*** may serve a written notice on the ***owner***, occupier, agent, or person in charge of the ***building*** or structure, or of a well, ***excavation*** or opening, by registered mail or personal notice to the last known address describing the ***building*** or structure, or the well, ***excavation*** or opening requiring him to have it demolished, guarded, covered, or put in safe condition forthwith to the satisfaction of the ***authority having jurisdiction***.

8.12.3. Without affecting any other remedy that the municipality may have on default of compliance with a notice given under articles 8.12.2. and 8.12.5. the *authority having jurisdiction* may, in the case of a *building* or structure cause the same to be demolished, removed or put in a safe condition, and in the case of a well, *excavation* or opening, to have the same covered, guarded, or put in a safe condition, as may be deemed expedient and necessary, and that the cost of the work may be recovered by the municipality by summary process of law, and shall also be a lien upon the *building* or structure and the materials thereof and upon the lot or parcel of land occupied by the said *building* or structure or by the said well, *excavation* or opening, and that the cost, when certified by the *authority having jurisdiction* may be added to the taxes on the land or on the *building* or structure, and may be collected in the same manner as other municipal taxes are collected.

8.12.4. Where, upon noncompliance with any notice given under articles 8.12.2. and 8.12.5., the *authority having jurisdiction* causes the *building* or structure to be demolished, the municipality may sell the material, fixtures, and other salvage therefrom and apply the price received therefrom towards paying the cost of the demolition and the balance, if any, shall be applied toward paying any taxes owing in respect to the property, after encumbrances, and lien holders, if any, in the order of their priority and the surplus, if any, shall be paid to the *owner* of the property.

8.12.5. Where the *authority having jurisdiction* is unable, as set forth in article 8.12.2. to locate the *owner*, occupier, agent, or person in charge of the *building* or structure, or of a well, *excavation* or opening, or in cases where service as aforesaid is impracticable, the unsafe notice shall be posted by affixing two copies thereof in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

SUBSECTION 8.13. Before issuing an *occupancy permit* or a certificate of occupancy the *authority having jurisdiction* may require the *owner* to provide letters to certify that the requirements of the *code* and the necessary *permits* have been met.

SUBSECTION 8.14. The *authority having jurisdiction* or any of his assistants charged with the enforcement of this By-law while acting for the City, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him on the lawful discharge of his duties and under the provisions of this By-law shall be defended by the legal representative of the City until the final termination of the proceedings. In no case shall the *authority having jurisdiction* or any of his assistants be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this By-law and any officer of the Inspections Department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

SUBSECTION 8.15. The *authority having jurisdiction* in special cases that in his opinion warrant it, may modify or vary any specified regulation where such modification or variation in his opinion will substantially accomplish the object of the regulation.

SUBSECTION 8.16. Any *person* who deems himself aggrieved by a decision of the *authority having jurisdiction* as to the issuance of a building permit, the prevention of the construction or occupation of a *building* or *structure* and the demolition or removal of a *building* or *structure* may appeal therefrom to the Committee on Environment.

SUBSECTION 8.17. ALTERATIONS AND ADDITIONS

8.17.1.(1) Where *repairs* or *alterations* to an existing *building* or *structure* are made necessary on account of damage by fire or other causes, and where such *repairs* and *alterations* excluding electrical or mechanical equipment exceed fifty percent (50%) of the replacement or market value of the *building* or *structure* prior to such damage, such *repairs* or *alterations* shall be considered a re-erection thereof and are prohibited unless the entire *building* or *structure* is made to conform with the requirements of this By-law for new construction.

8.17.1.(2) Where *repairs* or *alterations* to an existing *building* or *structure* are made necessary on account of delapidation, and where such *repairs* or *alterations* excluding electrical or mechanical equipment exceed fifty percent (50%) of the replacement or market value of the *building* or *structure* at the time of application for a permit, such *repairs* or *alterations* shall be considered a re-erection thereof and prohibited unless the entire *building* or *structure* is made to conform with the requirements of this By-law for new construction.

8.17.1.(3) Notwithstanding the provisions of Sentences (1) or (2) above, the *authority having jurisdiction* may permit variations from the regulations of this By-law for those portions of the existing *building* or *structure* not being altered, or added to, where:

(a) the applicant shall provide evidence satisfactory to the *authority having jurisdiction* that said portions are structurally safe; and

(b) a special inspection has been made to determine the minimum variation to be permitted.

8.17.2. The number of *storeys* of an existing *building* or *structure* shall not be increased unless the entire *building* or *structure* conforms with the requirements of this By-law except where an increase may be permitted in accordance with 8.17.1.(3).

8.17.3. Additions may be made to an existing *building* or *structure* where the maximum area for the combined area of the existing *building* or the *structure* and addition as set forth in Part 3 is not exceeded. Where the combined area of the existing *building* or the *structure* and permitted addition exceeds the maximum area allowed in Part 3, a *fire wall* of the required resistance rating shall separate the addition from the existing *building* or *structure* unless otherwise approved under 8.17.1.(3).

8.17.4. Notwithstanding the provisions of Article 8.17.1., where alterations or additions to an existing ***building*** or ***structure*** are to be made, the ***authority having jurisdiction*** may require selective compliance of the ***building*** or ***structure*** to the requirements of the *code*.

SECTION 9 TESTS AND CONSTRUCTION REVIEW

SUBSECTION 9.1. TESTS

9.1.1. All required tests of materials shall be conducted according to the appropriate methods found in the standards listed in the *code*, or in the absence of these, as specified by the *authority having jurisdiction* or other authority acceptable to him.

9.1.2. All tests shall be conducted and reports thereon prepared at the expense of the *owner*.

9.1.3. Laboratory tests shall be conducted by a laboratory acceptable to the *authority having jurisdiction*.

SUBSECTION 9.2. CONSTRUCTION REVIEW

9.2.1. Whenever general review, during construction, by an architect or engineer is required by the *code*, such review shall be to standards satisfactory to the *authority having jurisdiction*.

9.2.2. Upon completion of the work for which review was required, a report shall be submitted to the *authority having jurisdiction* by the architect or engineer stating what was reviewed and, where applicable, what was not reviewed, and stating the extent to which the construction conforms to the *code*.

SECTION 10 PERMITS

SUBSECTION 10.1 PERMITS AND CERTIFICATES REQUIRED

Building Permit

10.1.1.(1) A *permit* is required whenever work regulated by the *code* is to be undertaken.

(2) An *owner*, agent or person in charge shall not commence or cause to be commenced:

(a) the erection or construction of any *building* or structure, or portion thereof;
(b) the addition, extension, improvement, *alteration* or conversion of any *building* or structure, or portion thereof;
(c) the *repair* of any *building* or structure, or portion thereof;
(d) the *relocation* or *removal* or demolition of any *building* or structure, or portion thereof;
(e) the *excavation* of any land for any purpose of erecting or locating on or above it, any *building* or structure;

(f) the ***repair***, construction, renewal, alteration or extension of a mechanical system;

unless the required *permit* has first been obtained from the *authority having jurisdiction* as hereinafter provided, except in the case of painting or decorating, or in the case of minor repairs not exceeding five hundred dollars ($500.00) in value, where matters affecting health and safety are not involved.

(3) Notwithstanding the provisions of section 14, any *owner*, agent or person in charge, who commences work without first having obtained a *permit* therefor, is guilty of an offence and shall be liable, on a summary conviction, to a fine not less than $25.00 for each day such work is continued without a *permit*.

Plumbing Permit

10.1.2.(1) Except as provided in Sentence (2), a *plumbing system* shall not be constructed, extended, altered, renewed or *repaired* or a connection made to a sewer unless a *permit* to do so has been obtained. Interim authority to commence, pending delivery of a *permit*, may be given in writing by the *authority having jurisdiction*.

(2) A *permit* is not required when a valve, faucet, *fixture* or *service water heater* is *repaired* or replaced, a stoppage cleared or a leak *repaired* if no change to the piping is required.

(3) ***Plumbing permits*** shall be issued only to:

(a) a licensed ***plumbing contractor;***

(b) a person to do work in a ***building,*** owned by him and occupied by him only as his domestic domicile provided he has satisfied the ***authority having jurisdiction*** that he is competent to perform such work;

(c) to a person to do work in a new ***building,*** owned by him, and which upon completion will be occupied by him only as his domestic domicile, provided that he has satisfied the ***authority having jurisdiction*** that he is competent to perform such work;

(d) a journeyman plumber or qualified person to do work in a commercial or industrial establishment in respect of which there exists a ***plumbing contractor's*** licence in good standing and in which he is steadily employed for such purpose, and in such instance, the observance of the requirements of the foregoing section shall be the responsibility of the licenced commercial or industrial establishment; and

(e) a journeyman plumber, who is an employee of The City of Winnipeg or of the Provincial or Federal Government, to do work on behalf of that Government.

Certificate of Plumbing Inspection Approval

10.1.3. When a *plumbing system* has been completed and has been *approved*, the *authority having jurisdiction*, when requested, shall issue a certificate of plumbing inspection approval to the *owner* and to the *plumbing contractor*.

Electrical Permit

10.1.4. The requirements for the issuance of an electrical *permit* shall be as set forth in The Winnipeg Electrical By-law.

Sign Permits

10.1.5. No *alteration* or addition or any erection or re-erection of *signs* including any of the accessories shall be made unless the *owner* of the *building* or site upon which such *sign* is erected or his agent, has obtained a *permit*.

10.1.6. *Permits*, in addition to the *permits* required in this subsection with respect to *building* components and services, may be required by the *authority having jurisdiction*.

SUBSECTION 10.2. APPLICATION FOR PERMIT

10.2.1.(1) To obtain any *permit* or certificate authorized herein the *owner* shall file an application in writing on a prescribed form.

(2) All applications for *permits* or certificates shall be accompanied by the required fee specified in Appendix A.

(3) An application for a *permit* may be deemed to have been abandoned six months after the date of filing, unless such application has been proceeded with.

Building Permits

10.2.2.(1) Except as otherwise allowed by the *authority having jurisdiction*, every application for a *building permit* shall

(a) identify and describe in detail the work and *major occupancy* to be covered by the *permit* for which application is made,
(b) describe the land on which the work is to be done, by a description that will readily identify and locate the *building* lot,
(c) include drawings and specifications, unless otherwise *approved* by the *authority having jurisdiction*, and show the *occupancy* of all parts of the *building*,
(d) state the valuation of the proposed work, and be accompanied by the required fee,
(e) state the names, addresses and telephone number of the *owner*, architect, engineer or other designer and *constructor*, and
(f) include proof of approval from the *appropriate authority having jurisdiction* when necessary.

(2) An application for a *building permit* for the construction of a metal clad *building* or additions thereto shall have the approval of the *authority having jurisdiction* before the *permit* is issued, except that such approval is not required for the use of factory finished cladding.

Plumbing Permits

10.2.3.(1) Every application for a plumbing *permit* shall be accompanied by a specification or description of the proposed work.

(2) When required by the *authority having jurisdiction*, the application shall also be accompanied by

(a) a plan that shows the location and *size* of every *building drain*, and of every *trap* and *cleanout* fitting that is on a *building drain*,
(b) a sectional drawing that shows the *size* and location of every *soil-or-waste pipe*, *trap* and *vent pipe*, and
(c) a plan that shows a layout of the *potable water distribution system* including pipe *sizes* and valves.

Sign Permit

10.2.4. The application for a *sign permit* shall:

(a) be made on the prescribed form,
(b) include in duplicate a plot plan showing the *street* lines or other boundaries of the property upon which it is proposed to erect such *sign* and location thereof upon the property in relation to the other structures upon such property and upon the premises immediately adjoining, and
(c) when required, in duplicate, complete drawings and specifications covering the construction of the *sign* and its supporting framework and other information with respect to the *building* upon which it is proposed to locate the *sign* as to determine whether the structure of such *building* will carry the additional loads and stresses imposed thereon by the erection of the *sign* without exceeding the stress requirements. Such drawings shall in all cases have marked thereon in figures the height of such *building*.

SUBSECTION 10.3. CONDITIONS UNDER WHICH PERMITS ARE ISSUED

10.3.1. A *permit* shall expire and the right of an *owner* under the *permit* shall terminate if

(a) the work authorized by the *permit* is not commenced within six (6) months from the date of issuance of the *permit* and actively carried out thereafter, or
(b) work is suspended for a period of six (6) months.

10.3.2. Where an inspection is requested and it is necessary that the inspection be conducted outside of regular office hours or conducted during office hours in addition to a regular inspection, a fee shall be charged as provided for in Appendix B, in addition to the required *permit* fees.

10.3.3. Every *building permit* is issued upon the condition:

(a) that pegs, stakes, lines and other marks *approved* by the *authority having jurisdiction* be located on the *building* site so as to establish the line or *limiting distance* beyond which the *building* or structure shall not extend as specified on the *permit*, and shall be accurately maintained during the course of construction and until *occupancy* has been *approved*. Such markings shall be provided for the erection of a new *building* or structure, extension or addition to existing *buildings* or structures, or for *buildings* or structures moved from one location to another whether on the same property or not,

(b) that the construction shall be carried out in accordance with all provisions of the ***code***, and all provisions as described on the ***building permit*** and ***approved*** drawings,

(c) that all City bylaws and provincial regulations be complied with, and

(d) that the ***authority having jurisdiction*** shall get copies of all changes ordered which may alter any condition or requirement of the ***code***, and a set of the revised drawings showing these changes.

10.3.4. All work being carried out under a ***building permit*** issued prior to the effective date of the ***code*** shall be completed in accordance with the previous ***code*** requirements and any special conditions described on the ***building*** permit and ***approved*** drawings. If work does not proceed at a satisfactory rate, in the opinion of the ***authority having jurisdiction*** the ***building permit*** may be cancelled, in which case a new ***building permit*** shall be obtained before work is continued and all subsequent work shall comply with the provisions of the ***code***.

10.3.5. Where a *plumbing permit* has been issued, no departure shall be made from the specification, description, plan or sectional drawing unless written permission is obtained from the *authority having jurisdiction*.

10.3.6. Notwithstanding the requirements of Article 10.3.1., every demolition permit is issued upon the condition that:

(a) the demolition be commenced within 30 days of issuance of the ***permit;*** and

(b) the demolition be actively carried out thereafter, and further, in the case of a one or two family dwelling, be completed within 30 days of commencement of work; and

(c) the demolition be carried out in accordance with all provisions of this By-law, and all provisions as describe on the ***permit;*** and

(d) all By-laws of the City be complied with; and

(e) no modifications to the ***approved*** method of demolition be made without the prior approval of the ***authority having jurisdiction***.

SUBSECTION 10.4. DRAWINGS AND SPECIFICATIONS

10.4.1. Sufficient information shall be submitted with each application for a *permit* to enable the *authority having jurisdiction* to determine whether or not the proposed work will conform to the *code* and whether or not it may affect adjacent property.

10.4.2. When required by the ***authority having jurisdiction***, drawings and specifications shall be provided.

10.4.3. Drawings drawn to scale upon paper, cloth or other substantial material shall be clear and durable, and shall indicate the nature and extent of the work and proposed ***occupancy*** in sufficient detail to establish that when completed the work and the proposed ***occupancy*** will conform to the ***code*** and other relevant City bylaws and provincial regulations.

10.4.4.(1) Site plans shall be referenced to an up-to-date survey and, when required to prove compliance with the *code*, a copy of the survey shall be submitted to the *authority having jurisdiction*.

(2) Site plans shall show when required by the *authority having jurisdiction*

(a) by dimensions from property lines, the location of the proposed *building*,
(b) the similarly dimensioned location of every other adjacent existing *building* on the property, and
(c) existing and finished ground levels to an established datum at or adjacent to the site.

10.4.5. In lieu of separate specifications, the ***authority having jurisdiction*** may allow the essential information to be shown on the drawings but in no case shall such terms as "in accordance with the *code*", "legal", or similar terms be used as substitutes for specific information.

SUBSECTION 10.5. APPROVAL IN PART

10.5.1. When in order to expedite work, approval of a portion of the *building* is desired prior to the issuance of a *permit* for the whole *building* application shall be made for the complete *building* and complete drawings and specifications covering the portion of the work for which immediate approval is desired shall be filed with the *authority having jurisdiction*.

10.5.2. Should a *permit* be issued for part of a *building* the holder of such *permit* may proceed without assurance that the *permit* for the entire *building* will be granted. Work not covered by *permit* shall not be commenced.

SUBSECTION 10.6. REVISIONS TO PERMITS

10.6.1. After issuance of the *permit*, application may be made for revision of the *permit*, and such applications shall be made in the same manner as for the original *permit*.

SUBSECTION 10.7. PERMIT FOR A TEMPORARY BUILDING

10.7.1. Notwithstanding anything contained elsewhere in the *code* a *permit* for a temporary *building* may be issued by the *authority having jurisdiction*, authorizing for a limited time only the erection and existence of a *building* or part thereof for an *occupancy* which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the *code*. No person shall erect or place a temporary *building* without first entering into an agreement with the City and obtaining the required ***building permit.***

10.7.2. A *permit* for a temporary *building* shall state the date after which and the condition, under which the *permit* is no longer valid.

10.7.3.(1) A temporary *building* shall be permitted only for the following major *occupancy* classifications:

(a) All Divisions, Group A;
(b) Group D; and
(c) Group E.

(2) A display home or display cottage may also be classified as a temporary *building*.

10.7.4. A *permit* for a temporary *building* may be extended provided permission in writing is granted by the *authority having jurisdiction*.

10.7.5. A *permit* for a temporary *building* shall be posted on the *building*.

10.7.6. The ***building permit*** for a ***temporary building*** shall require the approval of the Chief of the Fire Department and the Medical Health Officer before issuance.

10.7.7. A ***temporary building*** shall not exceed one (1) ***storey*** in height.

10.7.8. A ***temporary building*** shall be permitted for a period of one year, on the condition that the ***owner*** shall remove the ***temporary building*** before the expiration of specified period of time.

10.7.9. The ***temporary building*** shall be properly maintained at all times by the ***owner.***

10.7.10. The ***temporary building*** shall be subject to any other conditions that may be specified in the agreement.

10.7.11. *Temporary buildings* to be used in connection with construction work may be erected without entering into an agreement or obtaining a ***permit,*** but shall be removed by the ***owner*** immediately upon completion of the construction work.

SUBSECTION 10.8 FEES

10.8.1. *Permit* fees and all procedures and conditions applicable thereto shall be established by the *authority having jurisdiction* and are set forth in Appendix A of this Bylaw.

10.8.2. Inspections fees and all procedures and conditions applicable thereto shall be as established by the *authority having jurisdiction* and are set forth in Appendix B of this Bylaw.

SUBSECTION 10.9 RIVERS AND STREAMS ACT

The construction or ***alteration*** of any ***building*** located within 350 feet of normale summer water level of the following waterways is subject to The Rivers and Streams Act:

(a) the Red and Assiniboine Rivers in the City and Additional Zone; and

(b) the Seine River, Omand's Creek, Sturgeon Creek, Riviere La Salle and Bunn's Creek in the City of Winnipeg.

SECTION 11 OCCUPANCY

SUBSECTION 11.1 REQUIREMENTS FOR OCCUPANCY

11.1.1.(1) No ***owner***, agent or person in charge shall occupy a ***building*** or part thereof or change the ***occupancy*** without first obtaining an Occupancy Permit or Certificate of Occupancy as set forth in Subsections 11.2 and 11.3.

(2) *Occupancy* means the use or intended use of a ***building*** or ***structure***, or part thereof, for the shelter or support of persons, animals or property.

11.1.2. No change shall be made in the type of *occupancy* or use of any *building* or structure, which would place the *building* or structure in a different Group of *occupancy*, unless such *building* or structure is made to comply with the requirements of the *code* for that Group.

11.1.3. An inspection of a site shall be made prior to the issuance of an Occupancy Permit or a Certificate of Occupancy and a fee shall be charged in accordance with Appendix A.

11.1.4. Every *building* or structure that requires an Occupancy Permit or a Certificate of Occupancy shall comply with the construction requirements for the Major Occupancy Group to be housed therein, except that the *authority having jurisdiction* may approve an Occupancy Permit or a Certificate of Occupancy for an existing *building* or structure which varies in a minor respect from the regulations of the *code*, where in his opinion, such a variation will substantially accomplish the objects of the *code*.

SUBSECTION 11.2. OCCUPANCY PERMIT

11.2.1. An occupancy permit is required for a ***building*** or ***structure*** located on land subject to By-law No. 1558 or By-law No. 1800.

11.2.2. The *authority having jurisdiction* may approve clearance for the issuance for an Interim Occupancy Permit, being a *permit* allowing the partial *occupancy* of a *building* or structure, provided that such *occupancy* will not jeopardize life or property.

SUBSECTION 11.3. CERTIFICATE OF OCCUPANCY

11.3.1. A Certificate of Occupancy is required for a *building* or structure located on any land other than that set forth in 11.2.1.

(a) for any new *building*, except a single-family dwelling and a two-family dwelling,
(b) for any existing *building* or structure where an *alteration* or addition is made thereto, except for a single-family dwelling and a two-family dwelling,
(c) for a change from one Major Occupancy Group to another or a change from one Division to another within a Major Occupancy Group of any existing *building* or structure, or part thereof; and
(d) for a change from one use to another within the same Division in a Major Occupancy Group which results in an increase in the *occupant load*.

11.3.2. The ***authority having jurisdiction*** may issue an interim certificate of occupancy, being a certificate allowing the partial ***occupancy*** of a ***building*** or ***structure***, provided that such ***occupancy*** will not jeopardize life or property.

SUBSECTION 11.4. APPLICATION FOR PERMIT OR CERTIFICATE

11.4.1. To obtain any *permit* or certificate authorized herein the *owner* shall file an application in writing on a prescribed form.

11.4.2. All applications for *permits* or certificates shall be accompanied by the required fee specified in Appendix A.

SUBSECTION 11.5. OCCUPANT LOAD

11.5.1. Notwithstanding anything elsewhere contained in the *code*, for each assembly room in a *building* or structure classified as a Group A *Occupancy*,

(a) the *authority having jurisdiction* shall furnish an *Occupant Load* Placard which can be easily read from a distance of twenty (20) feet stating the maximum allowable *occupant load* as determined by the *code*.
(b) the *owner* of the *building* or structure shall be responsible for keeping the actual *occupant load* within the allowable limits.
(c) the *owner* of the *building* or structure shall display the *Occupancy load* Placard in a location *approved* by the *authority having jurisdiction*.

SECTION 12 REMOVAL, RELOCATION, OR DEMOLITION OF A BUILDING

SUBSECTION 12.1

12.1.1.(1) This section provides regulations for:

(a) the moving of an existing *building* or *structure* from a site within the City or Additional Zone to another site;

(b) the moving of an existing *building* or *structure* and the placing of same at another location on the same site; and

(c) the demolition of a *building* or *structure.*

(2) Notwithstanding anything elsewhere contained in this By-law, a *building* or *structure* to be moved onto a site in the City or Additional Zone from a site outside said areas shall comply with the regulations of this By-law for new construction.

12.1.2.(1) The removal or relocation of a *building* or a *structure* shall not be permitted unless all regulations of this By-law for new construction are complied with unless otherwise approved under 8.17.1.(3).

(2) The demolition of a *building* shall be subject to the requirements of subsection 2.6. of Part 8 of the Code.

12.1.3. A *building* or *structure* shall not be removed or relocated, within the City or Additional Zone, it the *building* or *structure* is in the opinion of the *authority having jurisdiction.*

(a) in such a state of deterioration or disrepair, or is otherwise so structurally unsafe that it could not be moved without endangering persons or property; or

(b) structurally unsafe or will vary in appearance from the usual types of *buildings* at its new site to such extent as to lessen the desirability for building purposes of land in the immediate vicinity.

SUBSECTION 12.2. Upon application for a *permit* to demolish, *relocate,* or *remove* a *building* or *structure,* the applicant shall submit a statement that the taxes upon the land and *building* or *buildings,* or structures have been paid in full, and that the land and *building* or *buildings,* or *structures* have been paid in full, and that the land and *building* or *buildings,* or *structures* have not been sold for taxes, and if so sold, have not been redeemed. This provision shall not apply to *buildings* or *structures* demolished under Section 8 of this By-law, any other bylaw of the City, or Section 448(7) of The City of Winnipeg Act.

SUBSECTION 12.3. The *authority having jurisdiction* may request that an application for a *permit* to *remove, relocate* or demolish a *building* or *structure* shall contain one or more of the following:

(a) a decription of the *building* or *structure* giving the existing location, construction materials, dimensions, number of rooms and condition of exterior and interior,

(b) a legal description of the existing site,

(c) a legal description of the site to which it is proposed that the *building* or *structure* is to be moved if located within the City or Additional Zone, and

(d) a plot plan of the site to be occupied by the *building* or *structure* if located within the City or Additional Zone.

SUBSECTION 12.4. The *owner*, or his agent, of a site from which a *building* or *structure* is to be *removed* or demolished shall:

(a) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service, and no work shall be carried out until these services have been shut off and/or removed (See subsection 2.6 of Part 8 of the Code)

(b) plug the sewer line with a concrete stopper eight (8) feet outside the property line, and

(c) upon completion of the *removal* or demolition, put the site in a safe and sanitary condition to the satisfaction of the *authority having jurisdiction.*

SECTION 13 LICENSING

SUBSECTION 13.1. PLUMBING CONTRACTOR LICENCE

13.1.1. Every person, firm or corporation desiring to carry on the business of placing, installing, maintaining, repairing, or replacing a *plumbing system* shall be described as a *plumbing contractor*, and the person or some member of the firm or some official of the corporation shall apply in writing to the *authority having jurisdiction* for examination and shall pay an examination fee, and upon passing the examination and paying the contractor's licence fees as provided herein, he shall be given a licence enabling such work of plumbing contracting to be carried on, by such person, firm or corporation.

SUBSECTION 13.2. QUALIFICATIONS FOR LICENCE

13.2.1. Every person or persons so to be licensed as a *plumbing contractor* must either be himself a qualified plumber under The Apprenticeship and Tradesmen's Qualifications Act or employ a sufficient number of persons so qualified under the said Act.

13.2.2. Subject to Article 13.2.1. an additional examination for a *plumbing contractor* may be required when requested by the *authority having jurisdiction.*

SUBSECTION 13.3. APPLICATION FOR LICENCE

13.3.1. Every application for a *plumbing contractor's* licence shall give the name and business address of the applicant.

13.3.2. If the applicant is a partnership, the application shall contain the names and addresses of the various partners of the firm.

13.3.3. If the applicant is a corporation, the names and addresses of the corporation officers and their corporate titles shall be shown.

SUBSECTION 13.4. LICENCE FEE

13.4.1. The fee for a *plumbing contractor's* licence shall be as specified in Appendix C for the year or fraction thereof for which the same is taken out.

13.4.2. All *plumbing contractor's* licences shall expire on the last day of December next ensuing and for each ensuing year such person shall pay the annual fee specified in Appendix C.

SUBSECTION 13.5. RENEWAL OF A LICENCE

13.5.1.(1) ***Plumbing contractor's*** licences shall not be transferable and must be renewed each year prior to the first day of February, and failure to renew the licence prior to the first day of February shall preclude the ***plumbing contractor*** from obtaining a renewal licence and he shall thereafter be required to qualify for a new licence.

(2) The ***authority having jurisdiction*** may require that the applicant for renewal of a ***plumbing contractor's*** licence, or the change of ownership of a ***Plumbing Contractor's*** Licence have some member or employee of the firm write the examination required in argicle 13.1.1.

13.5.1. *Plumbing contractor's* licences shall not be transferable and must be renewed each year prior to the first day of February, and failure to renew the licence prior to the first day of February shall preclude the *plumbing contractor* from obtaining a renewal licence and he shall thereafter be required to qualify for a new licence.

SUBSECTION 13.6. Every person licensed shall give immediate notice to the *authority having jurisdiction* of any change in his place of business or in the case of any firm of its dissolution or, in case of a corporation, of any change in persons holding corporate offices.

SUBSECTION 13.7. Every *plumbing contractor* granted a *plumbing contractor's* licence shall post the said licence in a conspicuous place in the place of business of the said contractor.

SUBSECTION 13.8. Every *plumbing contractor* shall be responsible for the work of his employees.

SUBSECTION 13.9. The *authority having jurisdiction* may revoke. cancel or suspend a *plumbing contractor's* licence if the licensee violates any of the provisions of the *code.*

SUBSECTION 13.10. Subject to the other requirements of this section, a *plumbing contractor's* licence may be issued to a commercial or industrial establishment when this firm has a steadily employed journeyman plumber or person who in the opinion of the *authority having jurisidction* is qualified to perform such work.

SUBSECTION 13.11 EXAMINING COMMITTEE

13.11.1.(1) There is hereby established an examining committee consisting of three (3) members who are conversant in a practical degree with the qualifications necessary to be held by a person described as a *plumbing contractor* and who shall prescribe the subjects for which candidates for a *plumbing contractor's* licence shall be examined and conduct and provide for the supervise the examination of candidates and report thereon to the *authority having jurisdiction.*

(2) The committee shall consit of The Mechanical Supervisor and the Chief Plumbing Inspector of Building Inspections Division, of The City of Winnipeg, and a representative appointed by the Mechanical Contractors of Manotoba.

SECTION 14. BUILDING COMMISSION

SUBSECTION 14.1. APPOINTMENT

14.1.1.(1) A Building Commission is hereby appointed by *Council* pursuant to its powers in that behalf to exercise in whole or in part the powers hereinafter set forth.

SUBSECTION 14.2. MEMBERSHIP

14.2.1.(1) The Building Commission shall consist of eight members, who are qualified by experience and training to consider matters pertaining to building design and construction .

(2) The following members, shall have at least ten years' experience in his occupation and shall be in active practice during the term of his appointment:

(a) two (2) practicing members of the Association of Professional Engineers of Manitoba of which one shall be a Civil or Structural Engineer and the other a Mechanical Engineer,

(b) two (2) practicing members of the Manitoba Association of Architects,

(c) one (1) active member of the Winnipeg Builders' Exchange,

(d) one (1) active member of the Housing and Urban Development Association of Manitoba, and

(e) one (1) senior Fire Officer of The City of Winnipeg Fire Department.

14.2.1.(3) The Commissioner of Environment shall appoint from the Department of Environmental Planning one (1) senior member of his staff to serve as the Chairman of the Building Commission.

(4) The members appointed in Sentence 14.2.1.(2), shall appoint by majority vote a deputy chairman.

(5) The term of each member appointed in Sentence 14.2.1.(2) shall be for a period of three years measured from the date of appointment.

SUBSECTION 14.3. SECRETARY OF BUILDING COMMISSION

14.3.1.(1) There shall be a secretary of the Building Commission provided by the Commissioner of Environment from his staff and such secretary shall be without voting power.

(2) The secretary shall be custodian of the records, conduct correspondence and be responsible for clerical work of the Commission and be present at all meetings and shall present all relevant information on matters presented to the Commission.

SUBSECTION 14.4. RULES OF PROCEDURE

14.4.1.(1) The Building Commission shall hold a regular meeting and/or hearing at least once a month on a day and at such time as may be fixed by a resolution of the Commission.

(3) One week prior to a regular meeting and/or hearing, the Secretary of the Building Commission shall send by mail to each member of the Commission a copy of the minutes of the previous meeting and/or hearing and a copy of the agenda for the forthcoming meeting and/or hearing. In the event that there are no items on the agenda for the said forthcoming meeting and/or hearing, it shall be cancelled for that month.

14.4.2.(1) Any person wishing to apply to have the Building Commission consider a matter shall advise the Secretary of the Commission in writing, clearly stating his request, and the Secretary shall advise the person applying, of the day and time set for the meeting and/or hearing so that he or his representative may attend.

(2) The secretary shall include all such applications on the agenda for the consideration of the Commission, but any applications received by the Secretary after the agenda has been mailed to the members of the Commission shall be included on the agenda for the next month's meeting and/or hearing.

14.4.3.(1) The meeting and/or hearing of the Building Commission shall be called to order only when a quorum of four (4) Commission members are present.

(2) The decision of a majority of the Commission members voting on any item on the agenda shall be constituted a decision of the Building Commission.

(3) In the case of a tie vote the Chairman shall cast the deciding vote.

(4) Immediately following the meeting and/or hearing the Secretary shall cause a written notice of the decision to be given personally or sent by registered mail, to the owner of the building and any other interested parties.

14.4.4.(1) The order of business for a meeting and/or hearing shall be as follows:

(a) Call to order.
(b) Hearing of delegations.
(c) Reading of minutes of previous meeting and/or hearing.
(d) Discussing business arising out of the minutes.
(e) Discussing unfinished business.
(f) Discussing new business.
(g) Adjournment.

SUBSECTION 14.5. DUTIES

14.5.1.(1) It shall be the duty of the Building Commission appointed by *Council* pursuant to its power in that behalf to:

(a) consider the case of any existing *building* affected by this By-law which in the opinion of the Commission is dangerous to life or limb, health, property and public welfare in the view of the purpose for which any

14.5.1.(1)(a) (Cont'd) --

such *building* is being used, to decide which one or more, if any, alterations or appliances shall be made or installed in each case to eliminate the hazard;

(b) consider cases of new *buildings* affected by this By-law in relation to the construction thereof, and, if deemed expedient owing to the proposed use of new methods or materials in connection with such construction, to modify or vary the regulation with regard thereto; and

(c) to act in an advisory capacity on matters related to this By-law.

SUBSECTION 14.6. APPLICATION

14.6.1.(1) This Section shall not apply to any *building* which conforms with all regulations applicable thereto contained in other PARTS of this By-law.

SUBSECTION 14.7. APPEAL

14.7.1.(1) Any person deeming himself aggrieved by a decision of the Building Commission may appeal therefrom to the Committee on Environment whose decision shall be final and binding.

SUBSECTION 14.8. REMUNERATION

14.8.1.(1) All members of the Commission except those appointed under clause 14.2.1.(2)(e) and Sentence 14.2.1.(3) will be paid such fee as Council may, from time to time, prescribe for each meeting attended.

SECTION 15 SPECIAL CONSTRUCTION STANDARDS

SUBSECTION 15.1. STORAGE, HANDLING AND USE OF FLAMMABLE LIQUIDS

15.1.1. Except as otherwise specified herein and elsewhere in this By-law, the standards for the storage, handling and use of *flammable* liquids shall comply with the appropriate Municipal Fire Prevention By-law or in the absence of such by-law, the Provincial Fire Code.

15.1.2. The installation of tanks for the storage of *flammable* liquids, either above or below ground or in any *building* shall have the approval of the Chief of the Fire Department or if there is no fire department, the approval of the Provincial Fire Commissioner prior to the issuance of the *building* permit.

15.1.3. Tanks for the storage of Class A *flammable* liquids may not be installed under a *building* and in no case may dispensing devices for such liquids be installed inside of *buildings*.

15.1.4. Underground storage tanks any *repair garage* or *service station* for the storage of Class A liquids shall not exceed 5,000 gallons capacity each and the aggregate capacity at any such site shall not exceed 30,000 gallons and in no case shall there be more than 6 tanks in the aggregate.

15.1.5. No tank, or piping attached thereto, installed for the purpose of handling, storing or conveying *flammable* liquids, may be covered until the *owner* or person in charge of the installation has notified the *authority having jurisdiction* that the installation is ready for inspection and *approved* by him.

SUBSECTION 15.2. SIGNS, GENERAL

15.2.1.(1) Except as varied herein, the following shall not be subject to the provisions of this Section but shall not relieve the *owner* or person in control of such *signs* from erecting and maintaining the *sign* in a safe condition:

(a) *Signs* of a duly constituted governmental body, including traffic or similar regulating devices, legal notices, or warnings at railroad crossings.

(b) *Signs* in display windows including writing, representation, painting or lettering directly on the surface of any window or door, or other figure or similar character within a *building* visible from the exterior.

(c) Memorial *signs* or tablets of bronze, brass, stone or other *noncombustible* materials when built into or attached to the walls of a *building* or other structure provided such tablets bear only the name of the *owner*, the name or use of the *building*, the date of the erection of the *building* and/or reading matter commemorating a person or event.

(d) *Signs* denoting architect, engineer, contractor or the services and products of the *owner*, when placed on construction sites. These *signs* must be removed on completion of construction.

(e) *Signs* required to be maintained by law or governmental order, rule or regulation.

(f) Small *signs* displayed for the direction of the public including *signs* which identify restrooms, freight entrances, and such other similar directional *signs*.

(g) Single or double face unlighted *sign* or *signs* appertaining only to the prospective rental or sale of the *property* on which it is located.

(h) *Signs* painted directly on the exterior wall of a *building*.

SUBSECTION 15.3. BUILDING PERMITS FOR SIGNS

15.3.1.(1) No *alteration* or addition or any erection or re-erection of *signs* including any of the accessories shall be made unless the *owner* of the *building* or site upon which such *sign* is erected or his agent, has obtained a permit.

15.3.2.(1) The application for a *building* permit as they apply to *signs* shall:

(a) be made on the prescribed form;

(b) include in duplicate a plot plan showing the *street* lines or other boundaries of the *property* upon which it is proposed to erect such *sign* and location thereof upon the *property* in relation to the other structures upon such *property* and upon the premises immediately adjoining, and

(c) when required, in duplicate, complete drawings and specifications covering the construction of the *sign* and its supporting framework and other information with respect to the *building* upon which it is proposed to locate the *sign* as to determine whether the *structure* of such *building* will carry the additional loads and *stresses* imposed thereon by the erection of the *sign* without exceeding the *stress* requirements. Such drawings shall in all cases have marked thereon in figures the height of such *building*.

(2) No permit or licence issued pursuant to this By-law, no approval of drawings or specifications of work done or to be done in connection with a *sign* or any inspection of such work shall relieve the permittee, licencee or *owner* of the *sign* from full responsibility for the carrying out of the work and maintaining the *sign* in accordance with this or any other bylaw of the City.

15.3.2.(3) No *owner* or agent shall interfere in any way with the *authority having jurisdiction* or anyone acting under his authority or by his instructtions, in the performance of any of the duties imposed upon him by this By-law.

15.3.3.(1) Unless special permission is obtained from the appropriate *authority having jurisdiction* for lesser clearances, all *sign* structures including accessories shall have the following clearances from electrical power lines:

(a) 0 to 750 volts
  (i) horizontally . . . . . 1 ft.
  (ii) vertically . . . . . 3 ft.

(b) 750 to 22,000 volts
  (i) horizontally . . . . . 3 ft.
  (ii) vertically . . . . . 8 ft.

(c) 22,000 to 50,000 volts
  (i) horizontally . . . . . 5 ft.
  (ii) vertically . . . . . 8 ft.

These minimum design clearances apply under conditions of maximum sag and maximum swing of the conductor for vertical and horizontal clearances respectively.

(2) A clearance of at least 3 ft. shall be maintained between poles and other fixtures lawfully erected and any part of a *sign* structure and its accessories.

(3) No *sign* structure shall be erected, constructed or maintained in any manner which will obstruct any *fire escape* or any window or door or opening used as a required means of *egress* or so as to prevent free passage from a roof to any other part thereof. No *sign* sturcture shall be attached in any form, shape or manner to a *fire escape*, nor be placed in such manner as to interfere with any opening for required light or ventilation.

SUBSECTION 15.4. SIGN SPECIFICATIONS

Awning and Sun Visor Signs

15.4.1.(1) No *sign* shall be attached in any manner to awnings or *sun visors*, except to an awning or *sun visor* constructed entirely of concrete or metal and steel, with the design certified by an Engineer entitled to practice in the Province of Manitoba.

15.4.1.(2) *Signs* permitted in accordance with Sentence (1) above shall comply with the regulations for *marquee* or *canopy signs* (see 15.4.3.)

Hoarding Signs

15.4.2. No *sign* shall be placed on any hoarding except those permitted in clauses 15.2.1.(1)(d), (f) and (g).

Marquee and Canopy Signs

15.4.3. If any *sign* other than a *projecting sign* (as provided in this By-law) is attached to the roof of a *marquee* or *canopy*, placed flat against the face or edge of the *marquee* or *canopy* or erected over or under a *marquee* or *canopy*, such *sign* shall be constructed in compliance with the following provisions:

(a) **Construction.** The *sign construction* shall be of *noncombustible materials* throughout except that the *construction* may be equivalent to what is required for the *marquee* or *canopy* construction.

(b) **Height above grade.** The lowest part of any *sign* attached to the face or edge or under a *marquee* or *canopy* shall be not less than eight feet six inches (8'6") above *grade*.

(c) **Projection.** No *sign* attached to a *marquee* or *canopy* shall project beyond the face or edges more than sixteen (16) inches horizontally.

SUBSECTION 15.5. MAINTENANCE OF SIGNS

15.5.1.(1) All *signs* shall be kept in proper *repair* and appearance and in the case of *electric signs*, the lamps and other electrical apparatus connected thereto shall be maintained in efficient operative condition.

(2) No *owner* or agent shall maintain a *sign* heretofore erected unless the same be supported in an adequate manner by supports, braces, and guys of suitable size and strength, and properly fastened.

(3) No *owner* or *agent* shall maintain or permit any *sign* to be maintained including any guys, stay or attachment connected therewith which interferes with any light, power, telephone, telegraph or transit pole or wire or any *fire escape* or any apparatus or appliance connected therewith.

SUBSECTION 15.6. REMOVAL OF SIGNS

15.6.1.(1) All existing *signs* which are in a safe condition as far as fire safety, structural and location requirements are concerned may be maintained, but no such *sign* when once removed shall be replaced either on the same *building* or elsewhere without complying in all respects with the provisions of this By-law.

(2) Any existing *sign* which is unsafe from the standpoint of fire safety, structural safety or location may be ordered to be removed. If not removed or made safe in accordance with the requirements of this By-law, the *authority having jurisdiction* may institute condemnation proceedings.

(3) Any *owner*, firm or corporation who contravenes or disobeys or refuses or neglects to obey or commits an offence against the provisions of this Section shall be subject to the penalty set forth in Section 16.

SUBSECTION 15.7. ALTERATIONS

15.7.1.(1) No *sign* structure shall hereafter be structurally *altered*, re-built, enlarged, extended or re-located except in conformity with the provisions of this By-law.

(2) The changing of movable parts of *signs* that are designed for changes, or the repainting of display matter shall not be deemed to be *alterations* within the meaning of this Section.

SUBSECTION 15.8. CONSTRUCTION AND DESIGN

15.8.1. All *signs* shall be designed and constructed as herein provided and in accordance with Part 4, of the Code to resist live and dead loads. All bracing systems shall be designed and constructed to transfer lateral forces to the *foundations*. For *signs* on *building*, the load shall be transmitted through the structural frame of the *building* to the ground in such manner as not to overstress any of the elements thereof.

15.8.2. Every *sign*, hereinafter erected shall be plainly marked with the name of the contractor or erector, size and weight, voltage and wattage and said information must be readily visible after its erection.

15.8.3. All *signs* and any of their supporting structures must be fastened with non-corrosive fasteners or otherwise have the fastening devices protected from corrosion.

15.8.4. *Approved* combustible plastics may be used in the *construction* of *signs* where, in this By-law it requires *noncombustible* material, providing they are only those combustible plastic materials:

(a) which, when tested in accordance with the American Society of Testing Materials, Standard Method of Test for Flammability of Plastics over 0.050 inches in thickness, burn no faster than 2.5 inches per minutes in sheets of 0.060 inches in thickenss; or

(b) which conform to the Canadian Standards Association Specification of Electric Signs, C 22.2, No. 2.

All electrical signs shall be constructed in accordance with the provisions of The Winnipeg Electrical By-law.

15.8.5.(1) All *free-standing signs* shall be constructed of *noncombustible* materials throughout except that:

(a) *signs* not exceeding fifteen (15) feet above the surface of the ground at any point may be constructed of combustible material;

(b) *signs* not exceeding twenty-five (25) feet above the ground at any point shall be constructed with *noncombustible columns* and braces and supports, and may have the display area including backing of combustible materials.

(2) All *free-standing signs* exceeding 25 feet in height above the adjacent finished ground shall be structurally designed by a Registered Professional Engineer of the Province of Manitoba.

(3) The *foundation* of all *free-standing signs* exceeding 15 ft. in height shall be of concrete.

(4) The minimum clearances of *free-standing signs* shall be as follows:

(a) No portion of any *free-standing sign* shall hereafter be erected within one foot of any *property* line abutting a *street.*

(b) No portion of any *free-standing sign* shall hereafter be erected within 4 feet of any *property* line or from a wood frame *building* which is on the same *property*, unless such *sign* is constructed entirely of *noncombustible* materials except for the display area and backing.

(c) No portion of any *free-standing sign* with structural members of combustible materials shall hereafter be erected within a distance equivalent to the height of the *sign* structure from any *property* line abutting a *street.*

(4) (d) There shall be a clearance of at least 4 feet between any portion of a *free-standing sign* in front of any required opening in the exterior wall face of a *building* erected on the same *property.*

(e) Projections associated with *free-standing signs* such as guys, stays and other attachments such as reflectors used to illuminate shall not be permitted less than eight feet six inches (8' 6") above the surface of the ground at any point.

Facia Signs

15.8.6.(1) All *facia signs* shall be constructed of *noncombustible* materials throughout when such *signs:*

(a) exceed forty (40) sq. ft. on walls required to be of *noncombustible construction,* or

(b) are located more than twenty-five (25) feet above *grade,* or

(c) are located within two (2) feet of any window, *fire escape* or exit above the second *storey* floor line.

(2) No *facia sign* of wood construction may be erected on any wall of wood frame or of *noncombustible construction* in locations where the *limiting distance* precludes the use of *combustible cladding.*

(3) No *facia sign* shall be permitted to be supported by an unbraced parapet wall unless the structural stablity of the parapet wall is adequate.

(4) *Facia signs* may project above the top of the roof or parapet wall immediately adjacent thereto a distance not exceeding thirty-six (36") inches provided that the *means of egress* to and egress from the said roof are adequate, and that the structural stability of the parapet wall is adequate. (Also see 15.3.3.(3)).

(5) Projections associated with *facia signs* such as guys, stays and other attachments such as reflectors used to illuminate, shall not be permitted less than eight feet six inches (8' 6") above the surface of the ground at any point.

(6) *Facia signs* shall be securely attached to the *building* or *structure* by means of metal anchors, bolts or expansion screws. Such *signs* shall not be fastened by nails or staples to wooden blocks or nailing strips built into *masonry.*

Roof Signs

15.8.7.(1) All *roof signs*, including uprights, supports and braces and display area shall be of *noncombustible construction*, except:

(a) that *approved* combustible plastics may be used as facing materials and as letters and decorations.

(b) that the display area and molding may be of combustible materials provided such sign:

(i) is less than twenty-five (25) feet in height measured from the roof surface, and

(ii) is less than 400 sq. ft. on any one side.

(2) All *roof signs* shall be structurally designed by a Registered Professional Engineer of the Province of Manitoba when exceeding either 250 lbs. in weight or 100 sq. ft. in area on any one side.

(3) The dead and live loads of any *roof sign* shall be transmitted to *concrete foundations* by *noncombustible walls*, *columns*, beams and girders, except that timber beams and *columns* shall be acceptable provided such timber members shall be creosoted or painted and all connections shall be by means of bolts and the *sign* and its supports are designed by a Registered Professional Engineer of the Province of Manitoba.

(4) Clearance and access about *roof signs* shall be as herein provided:

(a) passage clear of all obstructions, except for necessary horizontal supports not more than 2 feet from the roof surface, shall be left under or around and immediately adjacent to all *roof signs* exceeding 3 feet above the roof surface. Such passage shall be not less than 3 feet wide by 6 feet high and shall be at parapet or roof level.

(b) there shall be one such passage or access opening as follows:

(i) for each *roof sign* upon a *building;*
(ii) for every fifty lineal feet (50) of horizontal *roof sign* extension;
(iii) within twenty (20) feet of walls and parapets when *roof signs* are located at an angle of 45 degrees or greater to a face of the *building.*

15.8.7.(4) (c) there shall be a clearance of at least 4 feet between any portion of the *roof sign* and any opening in the exterior wall face or roof of the *building* on which it is erected.

(d) no portion of any *roof sign* shall be erected within 4 feet of any wood frame wall extending above the roof line of the same *building* unless such *sign* is constructed entirely of *noncombustible* material, and that the clearances specified in (c) above and 15.3.3.(3) are maintained.

(5) In no case shall a *roof sign* or any part thereof including any supports and braces project beyond the exterior surface of the exterior wall of the *building* to which it is attached.

Projecting Signs

15.8.8.(1) All *projecting signs* including frames, braces and supports shall be constructed of *noncombustible* materials except that:

(a) *approved* combustible plastics (see article 15.8.4.) may be used as facing materials, letters and decorations.

(b) non structural members of *signs* not exceeding twenty square feet (20 sq. ft.) in area may be of wood, metal, *approved* plastics or combination thereof.

(2) Covers of the service opening shall be securely fastened by chains and/or hinges.

(3) *Projecting signs* shall not be attached or fastened in any manner to parapet walls unless designed by a Registered Professional Engineer of the Province of Manitoba.

(4) *Projecting signs* weighing more than 250 pounds shall be structurally designed by a Registered Professional Engineer of the Province of Manitoba.

(5) *Projecting signs* shall be adequately supported by cables, rods, chains or other *approved* method. In all cases, each *projecting sign* weighing more than 50 pounds shall have at least one *approved* fastener passing entirely through the wall or roof of the *building* to which it is attached.

(6) The "A" frames or other similar methods of support used in the *construction* of *projecting signs* shall not exceed 6 feet in overall height above an exterior wall.

(7) Unless otherwise *approved* by the authority having jurisdiction each cable, rod, chain or equivalent shall have a reputed breaking strength as specified in Table 15.A.

(8) *Projecting signs* shall be at least eight feet (8') above grade.

TABLE 15.A

BREAKING STRENGTH OF CABLE, ROD, CHAIN, ETC.
FOR VARIOUS WEIGHTS OF SIGNS

Weight of Signs (lbs.)	Projection of Signs	Breaking Strength (lbs.)
50 max.	2 ft. max.	600
50 max.	Over 2 feet	1,250
Over 50 but less than 100	Over 2 feet	2,000
Over 100 but less than 250	Over 2 feet	2,500
Over 250 but less than 400	Over 2 feet	3,500
Over 400	Over 2 feet	Design required
Column 1	2	3

15.8.9. Where *signs* and supports are not under design of a Registered Professional Engineer, the supporting cable and turnbuckles, when used, shall meet the following minimum requirements. The number of supports and fittings shall be dependent on the size, shape, projection and loads of the *sign* and the various loads acting on same.

TABLE 15.B

Forming Part of 15.8.9.

GALVANIZED 7 STEEL WIRE STRAND CABLE

Nominal Strand Diameter (inches)	Breaking Strength (lbs.)
3/16	1,100
1/4	1,800
9/32	2,350
5/16	3,100
3/8	3,750
Column 1	2

TABLE 15.C

Forming Part of 15.8.9.

TURNBUCKLES
Drop Forged—Galvanized

Diameter of Screw in Inches	Breaking Strength Eyes and Shackles (lbs.)
1/4	1,600
5/16	2,700
3/8	4,000
Column 1	2

Combination Signs

15.8.10. Any *combination sign*, not specifically allowed by this By-law, may be permitted provided that the *construction* of the whole *sign* complies with the most restrictive provisions of the type of *sign* so combined.

Warning Signs

15.8.11.(1) At every vehicle entrance within five (5) feet of a *street* right-of-way to any *building*, except accessory *buildings* having access from a lane, there shall be erected in a conspicuous location a *projecting sign* at least three (3) feet long by one (1) foot wide bearing the words "DANGER LOOK OUT FOR CARS" in large red letters on a white background.

(2) As an alternate to Sentence (1) above, a large red-coloured globe with the word "DANGER" printed thereon in white letters may be used in such location so as to be easily legible at all times.

(3) In all cases, such *sign* or globe shall be illuminated at all times during the working hours of the premises from sundown continuously during the night hours.

SUBSECTION 15.9. MARQUEES, CANOPIES AND AWNINGS

15.9.1.(1) **Construction.** All *marquees* and *canopies* shall be constructed of *non-combustible* materials except that where it is attached to an exterior wall of a *building* of wood construction and provided such wall does not exceed two *storeys* in height, such *marquee* and *canopy* construction shall have the equivalent fire resistance.

(2) **Clearances.** No portion of a *marquee* or *canopy* shall be less than 8'6" above the sidewalk or established *grade*.

(3) **Drainage.** The roofs of all *marquees* and *canopies* shall be drained in such a manner that the water flowing therefrom shall be carried back into the *building*.

(4) **Thickness.** The vertical dimension of a *marquee* or *canopy* shall not be more than five (5) feet.

15.9.2. No electrical wiring, illuminated device, electrical equipment or apparatus shall be attached to or be incorporated in a *canopy* or awning except as required for the operation of *collapsible awnings* or for a *sign* permitted under Article 15.4.1.

SUBSECTION 15.10 SWIMMING POOLS

15.10.1. For the purposes of this section, any pool containing water more than 24 inches in depth shall be deemed to be a swimming pool.

15.10.2.(1) All outdoor swimming pools shall be completely enclosed with a fence constructed in accordance with Sentences (3), (4) and (5) of this Article and any additional requirements that are necessary in the opinion of the *authority having jurisdiction.*

(2) The fence shall be at least five (5) feet in height. Reference should be made to the applicable Zoning By-laws which also regulate fence heights and thus may indirectly affect the location of the pool.

(3) The outside of the fence shall be such as to make it difficult to climb except that chain link fabric may be used providing the mesh is not greater than two inches.

(4) Gates in the fence shall be capable of being securely locked and shall be so maintained except when a responsible person is in attendance.

(5) All metallic parts of the swimming pool including reinforcing steel shall be electrically grounded in accordance with the requirements of The Winnipeg Electrical By-law.

(6) A swimming pool shall not be placed under or within ten (10) feet horizontally of any overhead electrical wiring except as may be permitted by The Winnipeg Electrical By-law.

(7) All electrical installations shall comply with the requirements of The Winnipeg Electrical By-law.

(8) Structural and plumbing details shall be in accordance with the other appropriate requirements of this By-law.

SECTION 16 PENALTIES

SUBSECTION 16.1. OFFENCES AND PENALTIES

16.1.1. Any person who contravenes or disobeys, or refuses or neglects to obey.

(a) any provision of the *code* or this By-law or any provision of any other bylaw that, by this By-law, is made applicable to the City or made applicable to preceedings taken or things done under this By-law, or

(b) any provision of any bylaw, regulations, or order enacted or made by the City, or

(c) any order of the Building Commission for which no other penalty is herein provided, is guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars ($1,000.00) in the case of an individual or five thousand dollars ($5,000.00) in the case of a corporation, 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.

16.1.2. Where a corporation commits an offence against the Code or 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 that constitutes the offence, is likewise guilty of the offence and liable, on summary conviction, to the penalty for which provision is made in 14.1.1.

16.1.3. In addition to 16.1.1. and 16.1.2. any person or corporation may be required to observe or perform such terms and conditions as a magistrate may impose.

16.1.4. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

SECTION 17 EFFECTIVE DATE

SUBSECTION 17.1. This By-law shall come into effect May 1st, 1977.

SUBSECTION 17.2. Any person who carries out work under the terms of this By-law after its adoption but before its effective date, may do so, but all such work shall comply entirely with the *code.*

SECTION 18 REPEAL

SUBSECTION 18.1. By-law No. 740 of The City of Winnipeg and amendments thereto, is hereby repealed upon the date that this By-law comes into effect.

APPENDIX A
PERMIT AND CERTIFICATE FEES

A.1 BUILDING PERMIT FEES:

A.1.1 Issuance of a Building Permit for the construction, erection, placement, *alteration*, *repair*, or *renovation* of a *building*, *structure* or *sign* other than a temporary *building* or *sign* shall be based on the following table:

	VALUATION	FEE
(a)	$0 to $400.00	$5.00
(b)	Over $400.00 to $1.000.00	$1.25 per $100.00 of valuation or part thereof
(c)	Over $1,000.00	$12.50 on the first $1,000.00 valuation plus $2.75 on each additional $1,000.00 of valuation or part thereof

A.1.2 *Removal* or *relocation* of any *building* or *structure* or part thereof $10.00

A.1.3 Demolition of any *building* or *structure* or part thereof

(a) For detached, semi-detached, duplex, or semi-detached duplex *buildings* $25.00

(b) For all other *buildings* or *structures*

(i) First *storey* . . . . . $30.00 plus

(ii) For each additional *storey*. $15.00

A.1.4 *Removal, relocation* or demolition of any accessory *building* or part thereof $5.00

A.1.5 Construction, erection or placement (including subsequent demolition or *removal*) of a temporary *building* or *sign*. . . . . $10.00 per month

A.1.6 The fees to be paid to the *City* for an encroachment in addition to the erecting permit fee shall be as set forth in the Encroachment By-law.

A.2 PLUMBING PERMIT FEES:

A.2.1 Minor repairs, such as a renewal of a *fixture trap* or drain or both $2.00

A.2.2 Roughing in of each *fixture* outlet including a floor drain (This includes fixture installation). $5.00

A.2.3 Each rainwater roof terminal (this fee includes the rainwater *trap*) $5.00

A.2.4 Each rainwater *trap* $5.00

A.2.5 Installation of each floor, hub, drip or similar drains $5.00

A.2.6 Installation of each water-supplied air conditioner $5.00

A.2.7 Installation of each grease, oil, mud, or sand intercepter, (this fee includes the *trap*) $5.00

A.2.8 Any water-supplied or waste-discharging device which is part of or related to the plumbing system $5.00

A.2.9 Drains and shower heads in rooms with multiple showers

each shower *trap* $5.00
each shower head $2.00

A.2.10 Installation of each acid diluting tank or pit (this fee includes the *trap*) $5.00

A.2.11 *Alterations* or *fixtures* not included above $5.00

A.2.12 Installation of each potable water system (no fee for renewal or extension) $5.00

A.2.13 Installation of each Backflow Preventer in the potable water system which is normally under continuous pressure $5.00

A.3 OCCUPANCY PERMITS:

A.3.1 Occupancy Permit --per Zoning By-law

A.4 PERMIT REFUNDS:

A.4.1 Whenever a *permit* is revoked or voluntarily surrendered for cancellation, a refund of the permit fee shall be made after deducting $5.00 plus $10.00 for each inspection made plus ten per cent of the permit fee for plan examination.

A.5 CERTIFICATE FEES:

A.5.1 Certificate of Plumbing Inspection Approval $5.00

A.5.2 Certificate of Occupancy $10.00

A.6 PENALTY FEES:

A.6.1 Where a permit has not been obtained prior to the commencement of the actual work, through neglect, or for some other reason, the fees shall be double the normal rate.

A.6.2 Notwithstanding the other fees of this By-law the following fees are applicable to all *permits*

(a) Where, in an application, a wrong address is given or insufficient information is provided, an additional fee of Five Dollars ($5.00) shall be payable; and

(b) Where the work is not ready for inspection at the time for which the inspection was called, an additional fee of Five Dollars ($5.00) shall be payable; and

(c) For each inspection necessary for examining installations where defects or omissions were found at a previous inspection, the fee shall be Eight Dollars ($8.00); and

(d) For each re-inspection of an installation made one week after the permittee has been notified of defects in the installation and where, upon such subsequent re-inspection, it is found that the defects have not bee remedied, a fee of Ten Dollars ($10.00) shall be payable.

APPENDIX B
INSPECTION FEES

B.1 INSPECTION FEES:

B.1.1 Where an inspection of a *building* or *structure* not provided for by a *permit* is requested and conducted during office hours, the fee shall be Fifteen Dollars ($15.00) for the first hour or fraction thereof and Ten Dollars ($10.00) for each additional hour or fraction thereof.

B.1.2 Any inspection conducted outside of regular office hours, the fee shall be Fifteen Dollars ($15.00) per man-hour or fraction thereof with a minimum charge of four hours.

B.1.3 Any inspection conducted for the issuance of an occupancy permit or a certificate of occupancy not provided for by a building permit, the fee shall be $10.00.

B.1.4 For temporary shows, exhibitions, festivals and travelling shows, the fee shall be $15.00 per hour or fraction thereof for each inspector engaged on the work to ensure all safety requirements are met during the show or exhibition.

APPENDIX C
LICENSING FEES

C.1 PLUMBING CONTRACTORS EXAMINATION FEE:

C.1.1 Examination Fee. $10.00

C.2 PLUMBING CONTRACTOR'S LICENSING FEES:

C.2.1 Licence fee for the first year of issuance or fraction thereof. $35.00

C.2.2 Subsequent annual licence renewal fee. $35.00

C.2.3 Licence fees shall be paid within 30 days of the due date. Licence fees not paid within the 30-day period shall have an additional amount added to the fee at the rate of $5.00 per month or portion thereof.

C.2.4 Notwithstanding Sentence C.2.3. hereof:

(a) failure by the *owner* or his agent to pay the licence fee within the period of 30 days shall constitute a violation of this By-law, and

(b) the *authority having jurisdiction* may waive the additional fee charge.

RECEIVED FIRST READING on this 6th day of April A.D., 1977

RECEIVED SECOND READING on this 6th day of April A.D., 1977

RECEIVED THIRD READING on this 6th day of April A.D., 1977

DONE AND PASSED in Council assembled this 6th day of April A.D., 1977.

Mayor

City Clerk

Certified as to Planning Details:

Director of Environmental Planning

Certified as to Form:

City Solicitor

REPEALED
BY
BY-LAW No. 3199/82
CITY OF WINNIPEG