THE CITY OF WINNIPEG

BY-LAW NO. 109/2018

A By-law of THE CITY OF WINNIPEG to implement a grant program to subsidize the costs of architectural lighting within the downtown area that will create a more inviting and safe pedestrian environment

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

Short title

1 This By-law may be cited as the "Building Exterior Lighting Grant Program By-law".

Definitions

2 In this By-law

"Charter" means *The City of Winnipeg Charter*;

"City" means The City of Winnipeg continued under section 8 of the Charter;

"Council" means the council of the City;

"design project" means the design by a professional lighting designer or design consultant of a lighting project that will meet the requirements set out in section 5;

"designated employee" means the Director or an employee of the City who has been designated by the Director to administer this By-law;

"Director" means the Director of the department of the City with responsibility for administering and enforcing the Downtown Zoning By-law and currently refers to the Director of the Planning, Property and Development Department;

"downtown" means the geographical area of the city to which the Downtown Zoning By-law No. 100/2004 applies;

"eligible lighting project" means a lighting project that meets the eligibility requirements set out in section 5;

"eligible project" means a design project or a lighting project that meets the eligibility requirements of this By-law;

"lighting project" means a project that involves the actual installation of exterior lighting on a building and does not include designing the lighting project;

"grant" means a grant sought or paid under this By-law;

"owner" means the registered owner of a property on which a lighting project is proposed to be located;

"Standing Policy Committee" means the Standing Policy Committee of Council with responsibility for approving urban design guidelines, standards or criteria, appointing advisory committees, and related duties under the Downtown Zoning By-law and is currently the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Objective of Building Exterior Lighting Grant Program

3 The objective of the Building Exterior Lighting Grant Program and this By-law is to support through grants the integration of architectural lighting that creates a more inviting and safe pedestrian environment downtown.

Lighting subsidies offered

4 Subject to the provisions of this By-law, the owner of a building shall be paid the following subsidies under the Building Exterior Lighting Grant Program:

(a) Up to $5000 in professional design consulting fees expended on a design project and determined by the designated employee to be reasonable in order to design an eligible lighting project; and

(a) 50% of eligible hard costs or $10,000, whichever is less, for each side of the building on which an eligible lighting project has been installed.

Eligible and ineligible projects

5(1) In order to be eligible for a grant under section 4, design projects and lighting projects must meet the following requirements:

(a) the property owner, or a person on the owner's behalf with the written authorization of the owner, must

(i) apply for a grant within a period of time and in a form established by the designated employee; and

(ii) provide all information reasonably required by the designated employee to determine eligibility and approve the project for the grant;

(b) the building in respect of which the design project or lighting project is proposed must be located downtown;

(c) the lighting project must have been designed by a professional lighting designer or design consultant;

(d) the lighting project must comply with the Downtown Winnipeg Zoning By-law and be approved under the Urban Design Review Process, if applicable;

(e) the lighting project must qualify for a heritage permit under the Historical Resources By-law, if applicable; and

(f) the designated employee must have determined that the lighting project for which application is made meets the objectives and requirements set out in this By-law as well as the eligibility criteria and requirements established by the designated employee pursuant to subsection 8(2).

5(2) Maintenance and repair of existing lighting are not eligible for a grant under section 4.

Approved projects
6(1) The designated employee must approve a design project and lighting project for grants under this By-law if he or she determines that the projects are eligible under section 5 and sufficient funds have been allocated by Council to provide the grants sought for the projects.

6(2) Where funds are not sufficient to provide grants for all eligible design projects or lighting projects for which applications have been or may be made, the designated employee must allocate funds on a "first come, first served" basis to eligible projects.

When grants are payable
7(1) Grants approved under subsection 6(1) are payable to the owner (or a person to whom the owner has directed in writing that the grants be paid) when all of the following have taken place:

(a) the designated employee has

(i) has determined that a design project and lighting project are eligible for funding under this By-law;

(ii) has determined that sufficient funds have been approved by Council to provide the grant; and

(iii) has notified the applicant of this determination;

(b) the owner has entered into a grant agreement with the City which contains terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to ensure that the objectives and requirements of this By-law are met and to adequately protect the interests of the City;

(c) the design project and lighting project that have been approved have been completed in compliance with this By-law and to the satisfaction of the designated employee; and

(d) the designated employee has determined the total eligible costs of the design project and lighting project on the basis of paid invoices, receipts and other evidence submitted by the owner.

7(2) A grant under subsection 4(a) is payable when the grant under subsection 4(b) is payable in respect of the same project.

Authority of designated employee
8(1) The designated employee may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of*

Winnipeg Charter and, for these purposes, has the powers of a designated employee under *The City of Winnipeg Charter*.

8(2) Without restricting the general nature of the powers set out in subsection (1), the designated employee is authorized to

(a) establish criteria and requirements for approvals of projects, and to determine that projects or costs are eligible or ineligible, in order to ensure that the grants paid under section 4 achieve the objectives of this By-law;

(b) administer the application process, including establishing time periods during which applications will be accepted and the information required as part of an application; and

(c) require information, reports and other documents with respect to completed projects before payment of the grant is made.

Appeals

9 If decisions of the designated employee under this By-law are subject to appeal under the Charter, they may be appealed to the Standing Policy Committee.

DONE AND PASSED this 13th day of December, 2018.