THE WINNIPEG BUILDING BY-LAW



By-law No. 4555/87

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SECTION 1. TITLE

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

SECTION 2. SCOPE

SUBSECTION 2.1. This By-law applies to new and existing construction, including the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or structure or addition to a building or structure, in the City and the Additional Zone.

SUBSECTION 2.2. This By-law 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 By-law establishes administrative requirements and procedures for the enforcement of the Code.

SECTION 3. DEFINITIONS OF WORDS AND PHRASES

SUBSECTION 3.1. Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Code.

SUBSECTION 3.2. For the definition of words used in this By-law that are not included in this section or in the Code, reference should be made to a standard dictionary.

SUBSECTION 3.3. The words and terms used in this By-law have the following meanings:

Additional zone means the area established under Subsection (2) of Section 4 of The City of Winnipeg Act.

Antenna structure means a structure designed to support any device used for receiving radio waves and shall include the structures supporting satellite dish antennae.

Accepted means accepted by the authority having jurisdiction.

Approved when used with reference to materials or fixtures used in a plumbing system 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 the materials or fixtures are acceptable to the authority having jurisdiction and such acceptance shall be considered only when warranted in the opinion of the authority having jurisdiction and shall apply mainly to materials and fixtures of other than a regular line of manufacture, materials or fixtures built to a customer's order, or materials or fixtures manufactured or produced singly or in small quantitites.

Areaway means an underground structure 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 spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices.

Authority having jurisdiction means the Supervisor of Building Inspections.

Awning means any roof-like structure other than a marquee, attached to a building and projecting more than 300 mm from the face of the building, used to provide shade, and shall include a sun visor and louvres.

Canopy means any roof-like structure projecting more than 300 mm 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.

Certificate of Occupancy means permission or authorization in writing to occupy any building or part thereof in the additional zone.

City means The City of Winnipeg comprising all lands established under Subsection (1) of Section 4 of The City of Winnipeg Act.

Code means The Manitoba Building Code as established under Section 3 of the Buildings and Mobile Homes Act.

Commissioner of Works and Operations means the Commissioner of Works and Operations of the City of Winnipeg or such designated officer as may be authorized in writing by the said Commissioner to exercise some or all of the powers vested in him by the Lot Grading By-law of the City of Winnipeg.

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

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 pedestrian 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.

Marquee means any roof-like structure constructed and erected as a permanent part of the building over an entrance thereto, and projecting more than 300 mm from the exterior wall of the building.

Occupancy Permit means permission or authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof, in the City.

Owner means the registered owner of land whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting
(a) certificate of Title under the Real Property Act,
(b) grant registered under the Registry Act, or
(c) instrument registered or filed in the Land Titles Office
and shall include any person, firm or corporation acting as agent for the registered owner.

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.

Relocation means the moving of a building or structure from one location to another location, either on the same property or 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.

Sign means any writing (including letter, word or numeral) pictorial representation (including illustration or decoration), emblem (including device, symbol, logo 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 or in a building or other structure; and
(b) is used to announce, identify, direct attention to, or advertise

Sign, facia means a sign, or individual letters attached to, marked or inscribed on, or erected or placed against, a wall or other surface, whether forming part of a building or not, and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or other surface and visible from the outside of the building, and projecting not more than 300 mm from the face of such wall or other surface.

Sign, free-standing means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level, and being structurally independant of any other structure.

Sign, free swinging means a 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, illuminated means a sign designed to give forth any artificial light or reflect light from an artificial source.

Sign, mobile means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters or panels.

Sign, projecting means a sign other than a facia or canopy 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.

Sign, roof means a sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.

Sign, temporary means a sign with or without a structural frame and intended to be displayed for a short period of time.

Structure means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground and including but not limited to the following: buildings, walls, fences, signs, billboards, poster panels, light standards, swimming pools.

Sun visor means a projection from a building for the purpose of 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 appointed under Section 484 of The City of Winnipeg Act and such other officers appointed to act as his assistants.

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 By-law.

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 accepted plans and specifications forming a part of the permit, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained the acceptance of the authority having jurisdiction to do so, except for minor changes which conform to the Code.

SUBSECTION 4.4. Where an occupancy permit or a certificate of occupancy is required by Section 15 herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless the occupancy permit or certificate of occupancy has been issued by the City.

SUBSECTION 4.5. No person having responsibility for the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a structure 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 acceptance having first been obtained in writing from the appropriate government authority.

SUBSECTION 4.7. No person shall allow the property boundaries or accepted grades of a building lot to be so changed as to place a building or part thereof in contravention of the Code.

SUBSECTION 4.8. Any person who knowingly submits false or misleading information contravenes this By-law.

SECTION 5. DUTIES AND RESPONSIBILITIES OF THE OWNER

SUBSECTION 5.1. Except in the case of a building 3 storeys or less in height, having a building area not exceeding 600 m^2 and which is to be used for a Residential, Business and Personal Service, Mercantile, or Medium or Low-Hazard Industrial Occupancy, the owner shall appoint an architect and/or professional engineer entitled to practice in the Province of Manitoba, skilled in the appropriate section of the work concerned, which consultant 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.

SUBSECTION 5.2. Notwithstanding the requirements of Subsection 5.1 aforesaid where in the opinion of the authority having jurisdiction, any structure requires the services of an architect and/or professional engineer, the owner shall appoint an architect and/or professional engineer to perform all the services required.

SUBSECTION 5.3. Where the inspection of construction of a structure will not be carried out by the person responsible for its design, the owner shall submit, with the application to build, the name and address of the person who will inspect the construction and shall give notice to the authority having jurisdiction of any subsequent change of said person or of address whenever such change takes place.

SUBSECTION 5.4 Every owner shall obtain all permits, acceptances and approvals required in connection with proposed work, prior to commencing the work to which they relate.

SUBSECTION 5.5.

5.5.1. Every owner shall give notice in writing to the authority having jurisdiction, prior to commencing 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 responsible for reviewing the construction to determine whether or not the construction conforms to the design and the by-law; and
  (iii) any inspection or testing agency engaged to monitor the work; and

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

5.5.2. 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.

5.5.3. 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.

5.5.4. Every owner shall give notice in writing to the authority having jurisdiction 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.

5.5.5. 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 5.6. No owner shall deviate from the requirements of the conditions of the permit without first obtaining from the authority having jurisdiction permission to do so, except for minor changes which conform to the Code.

SUBSECTION 5.7.

5.7.1. Every owner shall 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; and

5.7.2. Every owner shall keep visible at all times during construction the street number of the premises in figures at least 75 mm high and visible from the street or sidewalk.

SUBSECTION 5.8. The granting of a permit, the review and acceptance of the drawings and specifications or inspections made by the authority having jurisdiction, shall not in any way relieve the owner of a structure from full responsibility for carrying out the work or having the work carried out and for maintaining the building or structure in accordance with the requirements of the Code, and this By-law 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 5.9. 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 By-law.

SUBSECTION 5.10. No person shall interfere in any way with the authority having jurisdiction or anyone acting under his authority or by his instructions, in the performance of any duties imposed upon him by this By-law.

SUBSECTION 5.11. 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.

SUBSECTION 5.12. 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.

SUBSECTION 5.13. 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 5.14. Every owner shall provide an up-to-date survey of the building site when and as required by the authority having jurisdiction.

SUBSECTION 5.15. 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 5.16. 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 By-law.

SUBSECTION 5.17. Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

SUBSECTION 5.18. When a structure or part thereof is in an unsafe condition, the owner shall immediately take all necessary action to put the structure in a safe condition. All 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 structure.

SUBSECTION 5.19. Where a stop work order has been issued by the authority having jurisdiction, in accordance with Subsection 9.2. herein, the owner, or his designated agent, shall stop work immediately, except for the installation or erection of covers or guards so as to be able to maintain the site in a safe condition.

SUBSECTION 5.20. Where work is suspended or terminated, the owner, or his designated agent, shall leave the site in a safe manner and shall maintain the site in a safe condition.

SUBSECTION 5.21. When required by the authority having jurisdiction, every owner shall

(a) provide a letter to certify compliance with the requirements of the Code and of any permits required; and

(b) submit, on completion of the construction, a revised set of drawings, depicting the building as constructed.

SECTION 6. DUTIES AND RESPONSIBILITIES OF THE DESIGNER

SUBSECTION 6.1. Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in Subsections 5.1 and 5.2 aforesaid, the drawings and specifications shall be prepared, and the construction inspected and certified by, an architect and/or professional engineer skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.

SUBSECTION 6.2.

6.2.1. Prior to the issuance of a building permit, the responsible architect and/or professional engineer shall submit a letter to the authority having jurisdiction stating the extent of his/their responsiblity in connection with the project (design, review, etc.).

6.2.2. If the responsible architect and/or professional engineer withdraws from a project, he shall immediately advise the authority having jurisdiction.

SUBSECTION 6.3. Prior to the issuance of a certificate of occupancy or occupancy permit, the responsible architect and/or professional engineer shall, where required by the authority having jurisdiction, submit a certificate stating:

> "The construction has been reviewed under my supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge the structure was constructed in accordance with the accepted drawings and specifications and requirements of the applicable by-laws".

SUBSECTION 6.4. The responsible architect and/or professional engineer shall sign and seal all the documents referred to in Subsections 6.1, 6.2 and 6.3 aforesaid.

SUBSECTION 6.5. For the purposes of this Section, the term review shall mean the inspection during construction to determine whether or not the construction conforms to the design and the by-law.

SECTION 7. DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

SUBSECTION 7.1. Every constructor, including building and plumbing contractors, shall ensure that all work is carried out in accordance with this by-law, the Code and all provisions as described on the permit and accepted drawings and specifications.

SUBSECTION 7.2. Every constructor shall ensure that all construction safety requirements of the Code are complied with.

SUBSECTION 7.3. Every constructor 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 7.4. Every constructor is responsible jointly and severally with the owner for any work actually undertaken.

SUBSECTION 7.5. When required by the authority having jurisdiction, the constructor shall provide a statutory declaration that his work was completed in accordance with the accepted plans, specifications and requirements of the Code and this By-law.

SECTION 8. DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION

SUBSECTION 8.1. The authority having jurisdiction is responsible for the administration and enforcement of the Code and this By-law.

SUBSECTION 8.2. 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 By-law for such time as other regulations require.

SUBSECTION 8.3. The authority having jurisdiction shall accept any construction or condition that lawfully existed prior to the effective date of the Code unless the construction or condition constitutes an unsafe condition or contravenes some other by-law or regulation.

SUBSECTION 8.4. 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 By-law has been observed.

SUBSECTION 8.5. The authority having jurisdiction shall answer such relevant questions as may be reasonable with respect to the provisions of the Code or this By-law 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 8.6. The authority having jurisdiction shall issue a permit to the owner, constructor or agent, when to the best of his knowledge, the applicable conditions as set forth in the Code and other relevant by-laws of the City have been met.

SUBSECTION 8.7. In the issuance of a stop work order, the authority having jurisdiction shall issue such order in writing, to the owner of the property involved, to the owner's agent, to the contractor, or to the person in charge, stating the reason for the order and the conditions under which the work may be resumed.

SUBSECTION 8.8. Any order or notice required to be served pursuant to this Section shall be sufficiently served if sent by certified or registered mail to the owner at his address as shown on the Assessment Roll of the City or as registered in the Manitoba Land Titles Office, or if it has been posted on the premises affected.

SECTION 9. POWERS OF THE AUTHORITY HAVING JURISDICTION

SUBSECTION 9.1. 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 9.2.

9.2.1. The authority having jurisdiction is empowered to order

(a) a person who contravenes the Code or this By-law, to comply with the Code or this By-law within a specified time;
(b) work to stop on the structure or any part thereof,
  (i) if such work is proceeding in contravention of the Code or of this By-law, or any other condition under which the permit was issued, or
  (ii) if there is deemed to be an unsafe condition;
(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 or this By-law;
(e) the cessation of an occupancy in contravention of the Code or this By-law;
(f) the cessation of an occupancy if any unsafe condition exists;
(g) correction of any unsafe condition.
(h) that work not be covered until it has been inspected; and
(i) that certain work be inspected during construction.

9.2.2. The authority having jurisdiction may authorize the complete or partial demolition or removal, at the expense of the owner thereof, of a structure which, in his opinion, has been constructed in contravention of the Code or any by-law 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 structure and collected as other taxes.

9.2.3. The authority having jurisdiction may by written notice, require the owner of a structure or other person acting for the owner in respect thereof, to comply within a specified period of time to have the structure 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 9.3. 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. (See Section 13.)

SUBSECTION 9.4. The authority having jurisdiction may require any owner to submit an up-to-date plan of survey prepared by a Manitoba Land Surveyor which shall contain sufficient information regarding the building lot and the location of any structure

(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 9.5. 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 by-law, to excavate or to construct a portion of a structure before the entire drawings of the whole project have been submitted or accepted.

SUBSECTION 9.6. 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 9.7. The authority having jurisdiction may refuse to issue a permit

(a) whenever information submitted is inadequate to determine compliance with the provisions of the Code;
(b) whenever incorrect information is submitted;
(c) that would authorize any building work or occupancy that would not be permitted by the Code;
(d) in respect of any appliance, device, machine or apparatus or in respect of any construction if the installation or construction will not comply with the regulations of the City, of the Government of Manitoba or of the Government of Canada;
(e) for the repair or alteration of a building if, in his opinion, the building is so dilapidated or damaged that the building or its remaining components do not meet an acceptable standard, or if, in his opinion, the building will vary in appearance from the usual types of building in the vicinity to such extent as to have an adverse effect of property values in the area;
(f) where, in his opinion, the results of the tests referred to in Section 13 herein, are not satisfactory;
(g) to any person who has failed to pay any fees due and owing to the City under this or any other By-law; or
(h) where, in his opinion, a condition exists which could adversely affect the health and/or safety of the occupants of the proposed building or structure.

SUBSECTION 9.8. 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;
(c) the permit was issued on the basis of incorrect information;
(d) the person doing the work demonstrates that he is not competent to do the work; or
(e) in his opinion, the work being carried out is not proceeding at a satisfactory rate.

SUBSECTION 9.9. The authority having jurisdiction may issue an Interim Certificate of Occupancy or consent to the issuance of an Interim Occupancy Permit, 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 accepted use prior to commencement or completion of the construction or demolition work.

SUBSECTION 9.10. Before issuing a Certificate of Occupancy or consenting to the issuance of an Occupancy Permit the authority having jurisdiction may require the owner to provide letters to certify that the requirements of the Code, this By-law and the necessary permits have been met.

SUBSECTION 9.11. 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 9.12. Upon the completion of the construction of a building or structure, the authority having jurisdiction may require an owner to submit an up-to-date set of drawings depicting the building or structure as constructed.

SUBSECTION 9.13. The authority having jurisdiction may require that drawings and specifications submitted in connection with an application for a permit be in a form which will facilitate examination to determine compliance with the Code and this By-law and may require that all values be stated in metric units.

SUBSECTION 9.14. Where, in his opinion, the design of a structure requires special technical knowledge, the authority having jurisdiction may require that such design be carried out by an architect and/or professional engineer who is entitled to practice in the Province of Manitoba and who is skilled in the appropriate section of the work concerned.

SECTION 10. APPEAL

SUBSECTION 10.1. Any person who deems himself aggrieved by a decision of the authority having jursidiction as to the issuance of permits, the prevention of the construction or occupancy of buildings and the demolition or removal of buildings, or structures, may, within fifteen (15) days from the date of the decision, appeal therefrom to the Committee on Planning and Community Services.

SUBSECTION 10.2. Upon the hearing of an appeal, the Committee on Planning and Community Services may,

(a) rescind, suspend or modify any decision or order given by the authority having jurisdiction;

(b) extend the time within which compliance with the decision or order shall be made; or

(c) make such other decision or order as in the circumstances of each case it deems just;

and the decision or order of the committee, upon being communicated to the appellant, stands in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offence.

SUBSECTION 10.3. Any person who deems himself aggrieved by a decision of the Committee on Planning and Community Services on a matter covered by the Code, may within fifteen (15) days of being notified in writing of such decision, appeal therefrom to the Minister responsible for administration of the Buildings and Mobile Homes Act (Chapter B 93 in the Continuing Consolidation of the Statutes of Manitoba).

SECTION 11. ALTERATIONS AND ADDITIONS

SUBSECTION 11.1. Horizontal additions may be made to an existing building or structure provided

(a) the total building , (existing building or structure and the addition) meets all applicable Code requirements or;

(b) a firewall of the required fire resistance rating separates the existing building or structure from the addition, and acceptable fire department access is provided to the addition.

SUBSECTION 11.2. 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 the Code.

SUBSECTION 11.3. Notwithstanding the provisions of Subsections 11.1 and 11.2. aforesaid, the authority having jurisdiction may permit variations from the applicable requirements for those portions of the existing building or structure not being altered or added to where

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

(b) the authority having jurisdiction is of the opinion that a modification or variation is justified and/or meets the intent of the Code.

SECTION 12. UNSAFE CONDITIONS

SUBSECTION 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.

SUBSECTION 12.2. A vacant building, unguarded or open, to which entry can be gained, shall be deemed unsafe.

SUBSECTION 12.3. 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 Subsection 12.1. aforesaid, 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 certified or registered mail or by personal notice, to his address as shown on the Assessment Roll of the City or as registered in the Manitoba Land Titles Office, 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.

SUBSECTION 12.4. A vacant building shall be deemed to be guarded if the requirements set forth in Appendix A herein have been met.

SUBSECTION 12.5. Where the authority having jurisdiction is unable, as set forth in Subsection 12.3. aforesaid, 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 notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed the equivalent of personal notice.

SUBSECTION 12.6. Without affecting any other remedy that the City may have on default of compliance with a notice given under Subsections 12.3. and 12.5. aforesaid, 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 City 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.

SUBSECTION 12.7. Where, upon noncompliance with any notice given under Subsections 12.3. and 12.5. aforesaid the authority having jurisdiction causes the building or structure to be demolished, the City may sell the material, fixtures, and other salvage therefrom and apply the price received therefor toward paying the cost of the demolition, and the balance, if any, shall be applied toward paying any taxes owing in respect of the property, after which any balance remaining shall be paid to the mortgagees, encumbrancers, 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.

SECTION 13. TESTS

SUBSECTION 13.1. 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.

SUBSECTION 13.2. Tests and inspections shall be conducted as required by the authority having jurisdiction and all costs thereto shall be borne by the owner or constructor.

SUBSECTION 13.3. Laboratory tests shall be conducted by a laboratory acceptable to the authority having jurisdiction.

SECTION 14. PERMITS AND CERTIFICATES

SUBSECTION 14.1. GENERAL

14.1.1. A permit is required whenever work regulated by this by-law or the Code is to be undertaken.

14.1.2.(1) To obtain any permit or certificate authorized herein the owner shall file an application in writing on a form prescribed by the authority having jurisdiction.

(2) All applications for permits or certificates shall be accompanied by the required fee specified in By-Law No. 2266/79.

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

14.1.3 A permit shall expire and the right of an owner under the permit shall terminate if the work authorized by the permit

(a) is not commenced within six (6) months from the date of issuance of the permit and reasonably continued without interruption thereafter, or

(b) is not carried out in accordance with the conditions listed in Article 14.1.5. herein

14.1.4. 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 By-Law No. 2266/79, in addition to the required permit fees.

14.1.5. Every 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 and such markings shall be provided for the erection of a new building or structure, extension or addition to existing buildings or structures moved from one location to another whether on the same property or not;

(b) that the work shall be carried out in accordance with all provisions of this By-law and the Code and all provisions as described on the permit and accepted drawings;

(c) that all City by-laws and provincial and federal 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 this By-law and the Code, and a set of the revised drawings showing these changes.

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

14.1.7. A permit shall be considered void and all rights under the permit shall be terminated if the negotiable instrument used for payment of the permit fee is returned for any reason.

14.1.8. Information satisfactory to the authority having jurisdiction 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 By-law and the Code and whether or not it may affect adjacent property.

14.1.9. When required by the authority having jurisdiction, drawings, specifications, structural calculations and/or a code analysis shall be provided.

14.1.10. 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 this By-law and the Code.

14.1.11.(1) Site plans shall be referenced to an up-to-date survey and, when required to prove compliance with the By-law or 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;
(c) existing and finished ground levels to an established datum at or adjacent to the site; and
(d) the access routes for fire fighting.

14.1.12. 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.

14.1.13. When, in order to expedite work, acceptance 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 acceptance is desired shall be filed with the authority having jurisdiction.

14.1.14. The granting of a permit for part of a building authorizes work on that part of the building only, and does not assure that the permit for the entire building will be granted. Work not covered by permit shall not be commenced.

14.1.15. 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.

14.1.16. Permit and certificate fees are set forth in Appendix A herein.

14.1.17. Inspection fees are set forth in Appendix B herein.

14.1.18. The construction, addition or alteration of any building located within 107 m of normal summer water level of a waterway (river, stream, creek, coulee or drain) may also be subject to The Rivers and Streams Act and in such cases, reference should be made to The Winnipeg Rivers and Streams Authority No. 1.

SUBSECTION 14.2 BUILDING PERMITS

14.2.1.(1) Except as permitted in Sentence (2) herein, unless the required permit has first been obtained from the authority having jurisdiction, no person shall commence or cause to be commenced

(a) the location, placement, 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, rehabilitation, or renovation of any building or structure, or portion thereof;
(d) the relocation or removal 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 installation, construction, repair, renewal, alteration or extension of a mechanical system or wood-burning appliance;
(g) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or
(h) the alteration, addition, erection or re-erection of a sign or antenna structure including any accessories

(2) A building permit is not required for

(a) painting or decorating;

(b) repairs deemed to be minor by the authority having jurisdiction; or

(c) an accessory storage building not greater than 10 square metres in building area.

14.2.2. 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 a plot plan showing the street lines or other boundaries of the property upon which it is proposed to erect the structure and the location thereof upon the property in relation to the other structures on such property and the premises immediately adjoining;

(d) include drawings and specifications and show the occupancy of all parts of the building;

(e) when required for antenna structures, include complete drawings and specifications covering the construction of the antenna structure and accessories thereto, and other information with respect to the building upon which it is proposed to locate the antenna structure as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the antenna structure without exceeding the stress requirements;

(f) state the valuation of the proposed work, and be accompanied by the required fee;

(g) state the names, addresses and telephone number of the applicant, owner, architect, professional engineer or other designer, and constructor; and

(h) include proof of acceptance, when necessary, from other authorities.

14.2.3.(1) The authority having jurisdiction may place a valuation on the cost of the work for the purpose of determining what permit fees are applicable.

(2) The valuation to be shown on an application for a building permit shall mean the total monetary worth, of all construction work including all painting, papering, roofing, electrical and mechanical work, plumbing, permanent or fixed heating 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 by-law, regulation or agency.

(3) Notwithstanding the provisions of Sentence 14.2.3.(2) aforesaid, 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 this By-law or in the Code, and alterations or repairs to the building.

(4) In the case of the erection, alteration or enlargement of any sign or encroachment, the valuation shall reflect the cost of all labour, materials and devices necessary to complete the work.

(5) Every owner, architect, professional engineer, contractor or builder, having contracted for or having performed supervised or inspected 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 14.3. TEMPORARY BUILDING PERMITS

14.3.1.(1) Notwithstanding anything contained elsewhere in this By-law or 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.

(2) No person shall erect or place a temporary building without first entering into an agreement with the City and obtaining the required permit.

14.3.2. A temporary building shall be permitted only for

(a) a display home or cottage;
(b) a mobile home utilized as a residence while a permanent dwelling is being constructed on the same site, or
(c) the following major occupancy classifications:
    (i) All Divisions, Group A;
    (ii) Group D; and
    (iii) Group E.

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

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

14.3.5. A temporary building shall be permitted for a period not exceeding one (1) year, on the condition that the temporary building shall be removed before the expiration of the specified period of time, except that this period may be extended and another temporary building permit issued when warranted in the opinion of the authority having jurisdiction.

14.3.6. The temporary building shall be properly maintained at all times.

14.3.7. The temporary building shall be subject to any other conditions that may be specified by the authority having jurisdiction

14.3.8. Temporary buildings to be used in connection with construction work may be erected without obtaining a permit, but shall be removed immediately upon completion of the construction work.

SUBSECTION 14.4. DEMOLITION PERMITS

14.4.1. No person shall commence or cause to be commenced the demolition of any building or structure, or portion thereof, unless the required permit has first been obtained from the authority having jurisdiction as hereinafter provided.

14.4.2. Except as otherwise allowed by the authority having jurisdiction, every application for a demolition permit shall

(a) describe the building or structure that is to be demolished;
(b) identify and describe in detail the work for which application is made;
(c) include all necessary drawings and specifications;
(d) include, when necessary, clearances from other authorities;
(e) state the names, addresses and telephone numbers of the applicant, owner and professional engineer; and
(f) be accompanied by the required fee.

14.4.3. Notwithstanding the requirements of Article 14.1.3. aforesaid, every demolition permit is issued upon the condition that

(a) the demolition be commenced within the time stated on the permit, except that, if no time is so stated on the permit, the demolition shall be commenced within thirty (30) days of the issuance of the permit;
(b) the demolition be actively carried out thereafter, and further, in the case of a one or two family dwelling, be completed within thirty (30) days of commencement of work; and
(c) no modifications to the accepted method of demolition be made without prior approval of the authority having jurisdiction.

14.4.4. The requirements pertaining to demolitions are contained in Section 16 herein.

SUBSECTION 14.5. ELECTRICAL PERMITS

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

SUBSECTION 14.6. PLUMBING PERMITS AND CERTIFICATES

14.6.1.(1) Except as provided in Sentence (2) herein, a plumbing system shall not be constructed, extended, altered, renewed or repaired unless a plumbing permit to do so has been obtained.

(2) A plumbing permit is not required when

(a) a stoppage in the drainage system is cleared;
(b) a leak is repaired in a water distribution system;
(c) a fixture is replaced without any change to the drainage system; or
(d) a replacement is made to existing faucets, service water heater, valves or pipes and fittings in a water distribution system.

(3) Plumbing permits shall be issued only to

(a) a licenced plumbing contractor;
(b) a person to do work on a single family dwelling owned by him, and 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; or
(c) to a person to do work in a single family dwelling owned by him, which will be occupied by him upon completion, only as his domestic domicile, provided that he has satisfied the authority having jurisdiction that he is competent to perform such work.

(4) A plumbing permit shall not be transferable.

14.6.2.(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 plan that shows

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

14.6.3. The authority having jurisdiction may revoke a plumbing permit issued pursuant to paragraphs (b) or (c) of Sentence 14.6.1.(3) aforesaid, if during the course of inspection it becomes obvious that the person is not competent to perform such work, and may require that the work be corrected and completed by a licensed plumbing contractor under a new plumbing permit.

14.6.4. Notwithstanding anything elsewhere contained in this By-law, if the work being carried out under a plumbing permit issued pursuant to paragraphs (b) or (c) of Sentence 14.6.1.(3) aforesaid has not been completed within twelve (12) months from the date of issuance of the permit, the permit shall expire.

14.6.5. When a plumbing system has been completed and has been accepted, the authority having jurisdiction, when requested, shall issue a certificate of plumbing inspection to the owner and/or to the plumbing contractor.

SUBSECTION 14.7 SIGN PERMITS

14.7.1.(1) Except as permitted in Sentence (2) herein, no person shall commence or cause to be commenced the construction, erection, location, relocation, alteration or repair, other than normal maintenance of any sign unless the required permit has first been obtained from the authority having jurisdiction.

(2) Except as varied herein, the following signs shall not be subject to the provisions of this Section but this exception shall not relieve the owner or person in control of such signs from erecting and maintaining the sign in a safe condition and complying with the applicable Zoning By-law:

(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 commemorative plaques or cornerstones of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided they 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) construction signs;

(e) signs required to be erected or maintained by law or governmental order, rule or regulation;

(f) directional signs;

(g) real estate signs;

(h) signs not exceeding 3 square metres used to promote a candidate during a government election.

14.7.2. Except as otherwise allowed by the authority having jurisdiction, every application for a sign permit shall provide the following information:

(a) the street and street number of the building or structure to which the sign is, or is to be attached, or the legal description of the zoning lot on which the sign is to be located;

(b) the maker's name and address;
(c) the names, addresses and telephone number of the applicant, owner, architect, professional engineer or other designer, and constructor;
(d) the sign surface area and copy area of the sign, drawn to scale, giving all dimensions, plus the supporting members;
(e) the maximum height and clearance of the sign;
(f) the weight, voltage, wattage of the sign where applicable;
(g) the dimensions of the wall surface of the building to which the sign is to be attached;
(h) a site plan, drawn to scale, showing the proposed location of the sign in relation to the boundaries of the lot and the dimensions of the building and/or the lot upon which it is to be situated, and in the case of the projecting signs the width of the sidewalk over which it projects;
(i) size and location of all signs of the same classifications existing on the premises and/or the building;
(j) structural, footing details, and material specifications;
(k) in the case of electrical signs the size, number and location of all potential discharge tubes, fluorescent and incandescent lamps, current and voltage rating and circuit loading for each sign;
(l) if the sign is illuminated or animated the colour to be used and the technical means by which this is to be accomplished;
(m) when required, comlete drawings and specifications covering the construction of the sign and accessories thereto, 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.

SECTION 15. OCCUPANCY

SUBSECTION 15.1. REQUIREMENTS FOR OCCUPANCY

15.1.1. No owner, agent or person in charge shall occupy a building or part thereof or change the occupancy, without first obtaining an Occupancy Permit for a building located in the City, or a Certificate of Occupancy for a building located in the Additional zone, as set forth in this subsection.

15.1.2. A Certificate of Occupancy is required for a building or structure or part thereof in the Additional zone:

(a) for any new building or structure or portion thereof except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;

(b) for any existing building or structure where an alteration is made thereto, except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;

(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; or

(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.

15.1.3. An Occupancy Permit is required for a building or structure or part thereof, in the City, pursuant to the applicable Zoning By-law or Town Planning Scheme.

15.1.4. 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 occupancy group, or division within a group, unless such building or structure is made to comply with the requirements of the Code for that occupancy group, or division within a group.

15.1.5. Every new 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 consent to an Occupancy Permit or approve a Certificate of Occupancy for a building or structure which varies in a minor respect from the requirements of the Code, where in his opinion, such a variation will substantially accomplish the objects of the Code.

15.1.6. Every existing building or structure that requires an Occupancy Permit or a Certificate of Occupancy shall, wherever practical, comply with the construction requirements for the major occupancy group to be housed therein, except that the authority having jurisdiction may consent to an Occupancy Permit or approve a Certificate of Occupancy for a building or structure which varies from the regulations of the Code, where in his opinion, the construction is reasonable under the circumstances, and will not jeopardize life or property.

SUBSECTION 15.2. OCCUPANT LOAD

15.2.1.(1) Notwithstanding anything elsewhere contained in the Code, for each assembly room or area in a building or structure classified as a Group A occupancy the authority having jurisdiction shall furnish an Occupant Load Placard which can be easily read from a distance of 6 m stating the occupant load for the room or area, unless the authority having jurisdiction deems it to be unnecessary.

(2) The Occupant Load Placard shall be displayed in a location acceptable to the authority having jurisdiction.

15.2.2.(1) The proposed occupant load for each assembly room or area shall be clearly indicated on the plans submitted for review at the time of application for a building permit.

(2) The occupant load specified may be less than that determined by the minimum requirements of the Code, either by the choice of the designer or because of other regulations, but the design of the building shall properly accommodate the number of persons as determined by the Code.

15.2.3.(1) The owner of the building or structure shall be responsible for keeping the actual occupant load within the limits specified on the Occupant Load Placard.

(2) The owner of a building may request that the authority having jurisdiction furnish a revised Occupant Load Placard providing the request is submitted in writing and contains sufficient information to justify the change.

SECTION 16. REMOVAL, RELOCATION, OR DEMOLITION OF A BUILDING OR STRUCTURE

SUBSECTION 16.1. REGULATIONS

16.1.1.(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 and the Code for new construction.

16.1.2.(1) The relocation of a building or a structure shall not be permitted unless all regulations of this By-law and the Code for new construction are complied with unless otherwise accepted under Subsection 11.4. aforesaid.

(2) The demolition of a building or structure shall be subject to the requirements of Part 8 of the Code.

16.1.3. A building or structure shall not be removed or relocated, within the City or Additional Zone, if the building or structure,in the opinion of the authority having jurisdiction,

(a) is 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) 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 16.2. APPLICATIONS

16.2.1. 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 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 9 or Subsection 12.6. aforesaid, of this By-law or of any other by-law of the City, or Section 448(7) of The City of Winnipeg Act.

16.2.2. The authority having jurisdiction may require that an application for a permit to remove, relocate or demolish a building or structure contain one or more of the following:

(a) a description 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 16.3. The owner, or his agent, of a site from which a building or structure is to be removed or demolished shall

(a) notifiy 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;

(b) arrange to plug the sewer line with a concrete stopper in conformance with the Sewer By-law; and

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

SECTION 17. LICENCING

SUBSECTION 17.1. PLUMBING CONTRACTOR'S LICENCE

17.1.1. Except as permitted by Article 17.1.2. herein, every person, firm, corporation, or government department desiring to carry on the work of placing, installing, maintaining, repairing, or replacing a plumbing system in the City of Winnipeg or the Additional Zone, shall be licenced as a Plumbing Contractor, and the person or some member of the firm or some official of the corporation or government department shall apply in writing to the authority having jurisdiction for examination and shall pay the appropriate examination fee, and upon passing the examination and paying the appropriate contractor's licence fee, shall be given a Plumbing Contractor's Licence, enabling such plumbing work to be carried on by such person, firm, corporation or government department, subject to the limitations of the licence and the other requirements of this By-law.

17.1.2. Article 17.1.1. aforesaid, does not apply to a homeowner doing work covered by a permit issued in accordance with either paragraph (b) or (c) of Sentence 14.6.1.(3) aforesaid.

17.1.3. The holder of a Plumbing Contractor's Licence shall be authorized to obtain permits to perform plumbing work within the scope of the licence as follows:

(a) the holder of a Plumbing Contractor's Licence "A" shall be permitted to perform any plumbing work governed by the City of Winnipeg By-Laws;

(b) the holder of a Plumbing Contractor's Licence "B" while in the employ of a Corporation, Firm, Company or Government Department shall be permitted to install and maintain the plumbing system in premises, owned, leased or managed by the Corporation, Firm, Company or Government Department; and

(c) the holder of a Plumbing Contractor's Licence "C" shall be permitted to perform limited plumbing work authorized by the authority having jurisdiction.

17.1.4. Notwithstanding the requirements of Article 17.1.1. aforesaid the examination fee and/or licence fee referred to may be waived for certain corporations or government departments, when such is warranted in the opinion of the authority having jurisdiction, and where the only plumbing work being done is of a routine nature in connection with the maintenance or operation of a building or plant.

SUBSECTION 17.2 QUALIFICATIONS FOR LICENCE

17.2.1. A person applying for a specific Plumbing Contractor's Licence shall meet the applicable requirements as follows:

(a) to qualify for a Plumbing Contractors Licence "A", the applicant shall:
   (i) be a journeyman plumber; and
   (ii) have passed an examination set out by the Examining Committee;

(b) to qualify for a Plumbing Contractor's Licence "B", the applicant shall:
   (i) be a journeyman plumber or the holder of a power engineer's licence issued under the Manitoba Power Engineers Act; and
   (ii) have passed an examination set out by the Examining Committee;

(c) to qualify for a Plumbing Contractor's Licence "C", the applicant shall:
   (i) be a person who performs a specialized service related to the plumbing and mechanical trade; and
   (ii) have passed an examination set out by the Examining Committee.

SUBSECTION 17.3. APPLICATION FOR LICENCE

17.3.1. Every application for a Plumbing Contractor's Licence shall give the name and business address of the applicant.

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

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

17.3.4. If the applicant is a government department, the name and address of the department head and his title shall be shown.

SUBSECTION 17.4. LICENCE FEE

17.4.1. The fee for a Plumbing Contractor's Licence shall be as specified in By-Law No. 2266/79 for the year or fraction thereof for which same is taken out.

SUBSECTION 17.5. RENEWAL OF A LICENCE

17.5.1.(1) Plumbing Contractor's Licences shall not be transferable and shall expire on the thirty-first day of December of the year of issuance.

(2) If a Plumbing Contractor's Licence has not been renewed before the first day of March, the applicant shall requalify as set out in Subsection 17.2 aforesaid.

(3) The authority having jurisdiction may require that the applicant for renewal of a Plumbing Contractor's Licence, or some member or employee of the firm, write the examination required in Article 17.1.1. aforesaid.

SUBSECTION 17.6. Every person licenced 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 of a change of its name or, in the case of a corporation, of any change in persons holding corporate offices.

SUBSECTION 17.7. Every plumbing contractor shall be responsible for the work of his employees.

SUBSECTION 17.8. The authority having jurisdiction may revoke, cancel or suspend a Plumbing Contractor's Licence if, upon review of the facts presented at a hearing, he is of the opinion that the licencee has violated any of the provisions of this By-law or the Code.

SUBSECTION 17.9. EXAMINING COMMITTEE

17.9.1.(1) There is hereby established an examining committee consisting of three (3) members as set forth in Sentence (2) herein who shall prescribe the subjects for which candidates for a plumbing contractor's licence shall be examined and conduct and provide for the supervision of the examination of candidates and report thereon to the authority having jurisdiction.

(2) The committee shall consist of the Supervisor of Building Inspections, or his designate and the Chief Plumbing Inspector, of The City of Winnipeg, and a representative appointed by the Mechanical Contractors' Association of Manitoba.

SECTION 18. BUILDING COMMISSION

SUBSECTION 18.1. APPOINTMENT

18.1.1. 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 18.2. MEMBERSHIP

18.2.1.(1) The Building Commission shall consist of eight (8) 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 the Province of Manitoba of which one (1) shall be a Civil or Structural Engineer and the other a Mechanical or a Fire Protection Engineer;

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

(c) one (1) active member of the Winnipeg Construction Association;

(d) one (1) active member of the Manitoba Home Builders Association; and

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

(3) The members appointed in Sentence 18.2.1.(2) aforesaid, shall appoint by majority vote a chairman and a deputy chairman.

(4) The term of each member appointed in Sentence 18.2.1.(2) aforesaid shall be for a period of three (3) years measured from the date of appointment.

SUBSECTION 18.3. SECRETARY OF BUILDING COMMISSION

18.3.1.(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 18.4 DUTIES

18.4.1. 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 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 18.5. RULES OF PROCEDURE

18.5.1.(1) Except as covered in Sentence (3), the Building Commission shall hold regular meetings at such time as may be fixed by a resolution of the Commission.

(2) 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.

(3) 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.

18.5.2.(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.

18.5.3.(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 constitute the 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 certified or registered mail, to the owner of the building and any other interested parties.

18.5.4. 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; and
(g) adjournment.

SUBSECTION 18.6. APPEAL

18.6.1. Any person deeming himself aggrieved by a decision of the Building Commission may, within 15 days from the date of the decision, appeal therefrom to the Committee on Planning and Community Services.

18.6.2. Upon hearing of an appeal, the Committee on Planning and Community Services may,

(a) rescind, suspend or modify any decision or order given by the Building Commission;
(b) extend the time within which compliance with the decision or order shall be made; or
(c) make such other decision or order as in the circumstances of each case it deems just;

and the decision or order of the Committee on Planning and Community Services shall be final and binding, and being communicated to the appellant, stands in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offence.

SUBSECTION 18.7. REMUNERATION

18.7.1. All members of the Commission except those appointed under Paragraph (e) of Sentence 18.2.1.(2)and Sentence 18.2.1.(3) aforesaid, will be paid such fee as Council may, from time to time, prescribe for each meeting attended.

SECTION 19. STORAGE, HANDLING AND USE OF FLAMMABLE LIQUIDS

SUBSECTION 19.1. 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 Winnipeg Fire Prevention By-law and the Manitoba Fire Code.

SUBSECTION 19.2. The installation of tanks for the storage of flammable liquids, either above or below ground or in any building shall have the acceptance of the Chief of the Fire Department prior to the issuance of a building permit.

SECTION 20. SIGNS AND ANTENNA STRUCTURES

SUBSECTION 20.1. GENERAL

20.1.1.(1) Signs encroaching on or over public property shall also comply with the Encroachment By-law.

(2) Signs shall also comply with the applicable Zoning By-law.

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

(a)	0 to 750 volts	
	(i) horizontally	600 mm
	(ii) vertically	1 m
(b)	750 to 22,000 volts	
	(i) horizontally	1.2 m
	(ii) vertically	3.0 m
(c)	22,000 to 50,000 volts	
	(i) horizontally	2.0 m
	(ii) vertically	4.0 m

(2) The minimum clearances listed in Sentence (1) apply under conditions of maximum sag and maximum swing of the conductor for vertical and horizontal clearances respectively.

(3) A clearance of at least 1 m shall be maintained between poles and other fixtures lawfully erected and any part of a sign or antenna structure and its accessories.

(4) No sign or antenna 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 or antenna structure 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.

20.1.3.(1) All signs and antenna structures, including supports, 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 or antenna structure 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.

20.1.4.(1) All existing signs and antenna structures which are in a safe condition as far as fire safety, structural and location requirements are concerned may be maintained, but no such sign or antenna structure 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 and the Code.

(2) Any existing sign or antenna structure which is unsafe from the standpoint of fire safety, structural safety or location may be ordered to be made safe or removed.

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

(2) The changing of removable 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, although such work shall comply with the applicable Zoning By-law.

(3) The authority having jurisdiction may refuse to issue a sign permit if, in his opinion, the sign may interfere or otherwise obstruct traffic lights, or in any way interfere with visibility from the street.

SUBSECTION 20.2. CONSTRUCTION AND DESIGN

20.2.1. All signs and antenna structures 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 and antenna structures on buildings, the load shall be transmitted through the structural frame of the building to the ground in such manner as not to over-stress any of the elements thereof.

20.2.2. Where signs and supports are not under design of a Professional Engineer, the supporting cable and turnbuckles, when used, shall meet the minimum requirements of Tables 20.2.2.A and 20.2.2.B herein. 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.

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

20.2.4. 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.

20.2.5. Accepted combustible plastics may be used in the construction of signs where, in this By-law, it requires noncombustible material, providing the combustible plastic materials conform to CSA Standard C 22.2 No. 2 –Construction and Test of Electrical Signs. All electrical signs shall be constructed in conformance with the Winnipeg Electrical By-law.

TABLE 20.2.2.A.

Forming Part of Article 20.2.2.
GALVANIZED 7 STEEL WIRE STRAND CABLE

Nominal Strand		Breaking Strength	
inches	mm	lbs.	N
3/16	4.76	1100	4893
1/4	6.35	1,800	8006
9/32	7.14	2,350	10453
5/16	7.94	3,100	13789
3/8	9.53	3,750	16680
Column 1		2	

TABLE 20.2.2.B.

Forming Part of Article 20.2.2.
TURNBUCKLES
Drop Forged-Galvanized

Diameter of Screw		Breaking Strength Eyes and Shackles	
inches	mm	lbs.	N
1/4	6.35	1,600	7117
5/16	7.94	2,700	12009
3/8	9.53	4,000	17792
Column 1		2	

SUBSECTION 20.3 FREE-STANDING SIGNS AND ANTENNA STRUCTURES

20.3.1. All free-standing signs and antenna structures shall be constructed of noncombustible materials throughout except that

(a) signs not exceeding 4.6 m above the surface of the ground at any point may be constructed of combustible material; and

(b) signs not exceeding 7.6 m 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.

20.3.2. All free-standing signs and antenna structures exceeding 7.6 m in height above the adjacent finished ground shall be structurally designed by a Professional Engineer.

20.3.3. The foundation of all free-standing signs and antenna structures exceeding 4.6 m in height shall be of concrete.

20.3.4. The minimum clearances of free-standing signs and antenna structures shall be as follows:

(a) no portion of any free-standing sign or antenna structure shall hereafter be erected within 1200 mm 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 of a sign;

(b) no portion of any free-standing sign or antenna structure with structural members of combustible materials shall hereafter be erected within a distance equivalent to the height of the structure from any property line abutting a street;

(c) there shall be a clearance of at least 1200 mm between any portion of a free-standing sign or antenna structure in front of any required opening in the exterior wall face of a building erected on the same property; and

(d) projections associated with free-standing signs or antenna structures such as guys, stays and other attachments such as reflectors used to illuminate shall not be permitted less than 2.6 m above the surface of the ground at any point except that with regard to antenna structures, guys and stays may be permitted less than 2.6 m above the surface of the ground if:

  (i) the antenna structure is located in a rear yard of a private residential property and

  (ii) the guys are provided with shields acceptable to the authority having jurisdiction or located so they do not pose a hazard.

SUBSECTION 20.4. ROOF SIGNS AND ROOF AND WALL MOUNTED ANTENNA STRUCTURES

SUBSECTION 20.4.1. All roof signs, including uprights, supports and braces and display area shall be of noncombustible construction, except

(a) that accepted combustible plastics may be used as facing materials and as letters and decorations; and

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

  (i) is less than 7.6 m in height measured from the roof surface, and

  (ii) is less than 37 m^2 on any one side.

20.4.2. All roof and wall mounted antenna structures, including uprights, supports and braces and display area shall be of noncombustible construction, unless the building on which the antenna is located is permitted to be of combustible construction.

20.4.3. All roof signs and roof and wall-mounted antenna structures shall be structurally designed by a Professional Engineer when exceeding either 110 kg in weight or 10 m^2 in area on any one side.

20.4.4. 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 600 mm from the roof surface, shall be left under or around and immediately adjacent to all roof signs exceeding 900 mm above the roof surface. Such passage shall be not less than 900 mm wide by 2 m 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 15 m of horizontal roof sign extension, and
  (iii) within 6 m of walls and parapets when roof signs are located at an angle of 45 degrees or greater to a face of the building;

(c) there shall be a clearance of at least 1200 mm 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; and

(d) no portion of any roof sign shall be erected within 1200 mm of any wood frame wall extending above the roof line of the same building unless such sign is constructed entirely of noncombustible material, and the proper clearances are maintained.

20.4.5. 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.

SUBSECTION 20.5. FACIA SIGNS

20.5.1. All facia signs shall be constructed of noncombustible materials throughout when such signs

(a) exceed 37 m^2 on walls required to be of noncombustible construction or required to have noncombustible cladding;

(b) are located more than 7.6 m above grade; or

(c) are located within 600 mm of any window, fire escape or exit above the second storey floor line.

20.5.2. No facia sign shall be permitted to be supported by an unbraced parapet wall unless the structural stability of the parapet wall is adequate.

20.5.3. Facia signs may project above the top of the roof or parapet wall immediately adjacent thereto a distance not exceeding 900 mm 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.

20.5.4. Projections associated with facia signs such as guys, stays and other attachments such as reflectors used to illuminate, shall not be permitted less than 2.6 m above the surface of the ground at any point.

20.5.5. 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.

SUBSECTION 20.6. PROJECTING SIGNS

20.6.1. All projecting signs including frames, braces and supports shall be constructed of noncombustible materials except that

(a) accepted combustible plastics (see Article 20.2.5. aforesaid) may be used as facing materials, letters and decorations; and

(b) non-structural members of signs not exceeding 2 m^2 in area may be of wood, metal, accepted plastics or combination thereof.

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

20.6.3. Projecting signs shall not be attached or fastened in any manner to parapet walls unless designed by a Professional Engineer.

20.6.4. Projecting signs weighing more than 110 kg. shall be structurally designed by a Professional Engineer.

20.6.5. Projecting signs shall be adequately supported by cables, rods, chains or other approved method. In all cases, each projecting sign weighing more than 22 kg shall have at least one accepted fastener passing entirely through the wall or roof of the building to which it is attached.

20.6.6. The "A" frames or other similar methods of support used in the construction of projecting signs shall not exceed 1.8 m in overall height above an exterior wall.

20.6.7. Unless otherwise accepted by the authority having jurisdiction each cable, rod, chain or equivalent shall have a reputed breaking strength as specified in Table 20.6.7.A herein

20.6.8. Projecting signs shall be at least 2.5 m above grade.

TABLE 20.6.7.A.

Forming Part of Article 20.6.7.
BREAKING STRENGTH OF CABLE, ROD, CHAIN, ETC.
FOR VARIOUS WEIGHTS OF SIGNS

Weight of Signs		Projection of Signs		Breaking Strength	
lbs.	Kg	Ft.	mm	lbs.	N
50 max.	22.7 max.	2 max.	600 max.	600	2669
50 max.	22.7 max.	Over 2	Over 600	1250	5560
Over 50 but less than 100	Over 22.7 but less than 45.4	Over 2	Over 600	2000	8896
Over 100 but less than 250	Over 45.4 but less than 113.6	Over 2	Over 600	2500	11120
Over 250 but less than 400	Over 113.6 but less than 181.8	Over 2	Over 600	3500	15568
Over 400	Over 181.8	Over 2	Over 600	Design required	Design required
Column 1		2		3	

SUBSECTION 20.7. AWNING AND SUN VISOR SIGNS

20.7.1.(1) No sign shall be attached in any manner to an awning or sun visor unless:

(a) the awning or sun visor is constructed entirely of noncombustible materials, and

(b) a Professional Engineer certifies that the awning or sun visor, and the supporting structure, are capable of supporting the sign.

(2) Signs permitted in accordance with Sentence (1) aforesaid, shall comply with the regulations for marquee or canopy signs.

SUBSECTION 20.8. HOARDING SIGNS

20.8.1. No sign shall be placed on any hoarding except those referred to in paragraphs (d), (f) and (g) in Sentence 14.7.1.(2) aforesaid.

SUBSECTION 20.9. MARQUEE AND CANOPY SIGNS

20.9.1. 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) 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) The lowest part of any sign attached to the face or edge or under a marquee or canopy shall be not less than 2.6 m above grade; and

(c) No sign attached to a marquee or canopy shall project beyond the face or edges more than 400 mm horizontally.

SUBSECTION 20.10. COMBINATION SIGNS

20.10.1. 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.

SUBSECTION 20.11. MOBILE ADVERTISING SIGNS

20.11.1. Every mobile advertising sign shall be constructed to the satisfaction of the authority having jurisdiciton, shall be designed to resist overturning due to wind loading utilizing a 1 in 10 year return period wind velocity with a 1.25 safety factor, and shall be approved by either the Canadian Standards Association or the Manitoba Department of Labour.

20.11.2. The authority having jurisdiction may issue an identification label which shall be affixed to a mobile advertising sign.

SECTION 21. MARQUEES, CANOPIES, AWNINGS AND SUN VISORS

SUBSECTION 21.1.

21.1.1. Except as permitted in Article 21.2.1. herein, all marquees, canopies, awnings and sun visors shall be constructed of noncombustible materials except where they are attached to an exterior wall of a building permitted to be of combustible construction and are located not more than two (2) storeys above grade.

21.1.2. All marquees, canopies, awnings and sun visors shall be designed to sustain the dead and live loads that may be imposed thereon.

21.1.3. The roof of all marquees, canopies and awnings shall be drained in an acceptable manner (see the Manitoba Plumbing Code).

21.1.4. The minimum headroom of a marquee, canopy, awning or sun visor over an entrance or sidewalk shall be 2 m.

SUBSECTION 21.2.

21.2.1. Combustible textile coverings may be used on canopies and awnings provided they are located not more than two (2) storeys above grade and provided the material is flame-resistant.

21.2.2. Flame-resistance shall be determined in accordance with NFPA Standard No. 701 "Standard Methods of Fire Tests for Flame-Resistant Textiles and Films."

21.2.3. The framing of canopies and awnings having combustible textile coverings shall be constructed of non-combustible material.

SUBSECTION 21.3. No electrical wiring, equipment or apparatus shall be attached to or incorporated in a canopy or awning covered with combustible textiles that require periodic flameproofing.

SUBSECTION 21.4. Marquees, canopies, awnings or sun visors encroaching on or over public property (sidewalks, streets, etc.) shall comply with the Encroachment By-law.

SECTION 22. METAL CLADDING

SUBSECTION 22.1. Unless otherwise accepted by the authority having jurisdiction, metal cladding used on buildings shall be of the factory-finished type.

SECTION 23. SUBSURFACE DRAINAGE

SUBSECTION 23.1. GENERAL

23.1.1. Where buildings are provided with a subsurface drainage system, the system shall be designed, constructed and maintained in accordance with good practice.

SECTION 24. ROOF AND SURFACE DRAINAGE

SUBSECTION 24.1. Unless otherwise accepted by the authority having jurisdiction, all residential buildings connected to a public sewer shall be provided with eavestroughing and downspout mechanisms.

SUBSECTION 24.2. Where downspouts are provided and are not connected to a sewer, provision shall be made to prevent soil erosion, and extensions or splash pads shall be provided to carry the rain water a minimum of 1.3 metres from the building.

SUBSECTION 24.3. Unless otherwise accepted by the authority having jurisdiction, roof drainage or surface drainage shall not be discharged on public sidewalks, stairs or neighbouring property and shall be conveyed so as not to cause dampness in the walls, ceilings, or floors at any portion of the building itself or any adjacent building.

SECTION 25. OFFENCES AND PENALTIES

SUBSECTION 25.1. 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 by-law that, by this By-law, is made applicable to the City or made applicable to preceedings taken or things done under this By-law;

(b) any provision of any by-law, regulation, or order enacted or made by the City;

(c) any order of the Building Commission; or

(d) any order or decision of the Committee on Environment;

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.

SUBSECTION 25.2. 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 Subsection 25.1 aforesaid.

SUBSECTION 25.3. 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 26. REPEAL

SUBSECTION 26.1. Subject to section 27 herein, By-law No. 3199/82 of The City of Winnipeg and amendments thereto, is hereby repealed.

SECTION 27. EFFECTIVE DATE

SUBSECTION 27.1. Except for section 23, all sections and Appendix A of this By-law shall come into force on the date of its passing.

SUBSECTION 27.2. Appendix A, B and C of By-law 3199/82 shall apply mutatis mutandis to this By-law for a period of 120 days from the date that this By-law comes into effect.

SUBSECTION 27.3. Section 23 of this By-law shall come into effect on the 121st day from the date that this By-law comes into effect.

DONE AND PASSED in Council assembled this 6th
day of May A.D., 1987.

Mayor

Meryl A. McCullough
City Clerk

Certified as to Planning Details:

for Director of Environmental Planning

Certified as to Form:

N. D. Bodnarchuk
for City Solicitor

APPENDIX A
TO BY-LAW NO. 4555/87

REQUIREMENTS FOR BOARDING-UP AND SECURING VACANT BUILDINGS

A.1. Doors, windows and other openings at the basement and first floor levels shall be covered with a solid piece of plywood, at least 11 mm thick. This plywood shall be secured with nails at least 50 mm long, spaced not more than 150 mm on centre.

A.2. Unless otherwise accepted by the authority having jurisdiction, all doors, windows and other openings on the second and third floors shall be covered with a solid piece of plywood, at least 8 mm thick. This plywood shall be adequately nailed or otherwise secured.

A.3. Plywood applied to openings shall be installed from the exterior, shall be fitted within the frames in a manner accepted as good workmanship, and shall be painted with two coats of white paint on the exterior side.

A.4. Openings that are not covered with plywood shall be cleared of broken glass and any other loose material.

A.5. Exterior access to floor areas above the first floor, such as fire escapes and ladders shall be
(a) removed up to the second floor level or to a height of 4 m above the ground which ever is lesser, or
(b) guarded to the satisfaction of the authority having jurisdiction.

A.6. Openings to areaways shall be adequately secured and protected. Openings in a street or sidewalk to an areaway shall be covered with an appropriate metal plate, having a thickness not less than 8 mm and the plate shall be anchored or secured to prevent it from shifting. Alternatively, the areaway may be filled with concrete or unshrinkable fill to the satisfaction of the authority having jurisdiction.

A.7. Facia signs, overhanging signs, roof signs and all other appurtenances, such as sunvisors or awnings shall be removed if they are in a dangerous condition or could create such a condition.

A.8. All loose material on the exterior of the building shall be removed and any condition which may become a hazard or danger to the public shall be corrected.

A.9. All utilities, such as hydro, gas and water, shall be cut off or shut off to the satisfaction of the utility concerned.