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THE CITY OF WINNIPEG

BY-LAW NO. 1481/77

A By-law of The City of Winnipeg to regulate
the use of streets in The City of Winnipeg.

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

This By-law may be cited as the "Streets By-Law".

Unless otherwise expressly provided, or unless the
context otherwise requires, the words and expressions in
the By-law have the same meaning as the same words and
expressions in The Highway Traffic Act of the Province of
Manitoba.

PART 1

DEFINITIONS

- 1.01 "Boulevard" means the area between the street line and the nearest edge of a roadway and/or the area separating the roadways of a divided highway.
- 1.02 "City" means The City of Winnipeg.
- 1.03 "Commissioner" means the Commissioner of Works and Operations or any person duly appointed to act in his stead.
- 1.04 "Commissioner of Environment", "Commissioner of Finance", "City Solicitor", etc., means the respective holders of such offices in The City of Winnipeg or any person duly appointed to act in their stead.
- 1.05 "Council" means the Council of The City of Winnipeg.
- 1.06 "Graded" when used to describe a roadway means a roadway that has been constructed having an earth or granular surface, which may or may not be treated with a dust palliative.
- 1.07 "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, sidewalks, and other means of communication dedicated to the public use as highways 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 passage ways thereon.

PART 1 DEFINITIONS CONT'D

- 1.08 "Horse" includes any animal used for the purpose of transportation of people, goods or materials.
- 1.09 "Owner" means a person in whose name a subject property or vehicle is registered.
- 1.10 "Pavement" or the adjective "Paved" when used to describe a street, road, alley, sidewalk, or other area, refers to an area which has a surface constructed of Portland Cement concrete, asphaltic concrete, brick, tile or similar material.
- 1.11 "Person" means any individual and includes corporation, firm, partnership and association or company.
- 1.12 "Street" means a highway over which The City of Winnipeg has jurisdiction.
- 1.13 "Structure" in the public street means any manufactured or constructed thing legally erected, constructed or installed on, over or under the ground surface within the right-of-way of the street and, without affecting the generality of the above, shall include such things as roadways and sidewalks, utility housings, buried wires and cables, utility poles, utility duct lines, sewers, watermains, and as well, the appurtenant fixtures thereof, parking meters and posts, fences, chutes, areaways, etc.
- 1.14 "Tree" includes trees, shrubs, and other decorative plants such as flowers.
- 1.15 "Underground Structures Committee" means a Committee made up of seven representatives of City departments, one each from Manitoba Hydro, Manitoba Telephone System and Greater Winnipeg Gas Company whose purpose is to maintain records of Utility installations in the street, approve utility locations in the street and to co-ordinate the use of the streets for utility installations.

PART 1 DEFINITIONS - CONTINUED

1.16 "Utility" means any corporation, company, city department, or other legal entity established for the purpose of and engaged in the supplying of a service to the Community -at-large through the distribution or collection of electrical energy, steam, gas, water, sewage, refuse, or the supply of communications, and signal services.

1.17 (a) "Vehicle" includes an automobile, motorcycle, bicycle, traction engine, truck, tractor, trailer, snowmobile, go-cart and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include vehicles running only upon rails, lawnmowers, shopping carts; or sleighs, wagons, or carriages, etc., intended primarily for children's play or transportation.

(b) "Abandoned Vehicle" means a vehicle.

- (i) which is not in operating condition, or
- (ii) which does not have attached thereto, one or more number plates issued under The Highway Traffic Act for the current registration year under the Act, or
- (iii) which is wrecked, dismantled, partially dismantled, stripped or partially stripped.

and of which the City, after reasonable investigation, has been unable to identify the owner and has, in the opinion of the City, been deserted or which the owner has failed to remove or have removed within forty-eight hours of having been ordered to do so by an officer of the City.

PART 2

PROHIBITED ACTIVITIES2.01 Damaging Structures in Streets

- (a) No person shall wilfully or intentionally damage any structure in a street.
- (b) No person other than a duly authorized employee or agent of the owner of the structure shall climb, break, cut, wilfully destroy, tear down or interfere with a utility housing, or any light, power, telegraph, telephone, police or fire alarm or signal pole or tower or any other pole, tower, wire or cable or any guy wire or other support or accessory thereto.

2.02 Nuisances and Dangerous Conditions

No person shall throw, pile, deposit or leave any articles, merchandise, water or material of any kind in a street nor shall any person carry out or permit any action causing or resulting in the creation of a nuisance or dangerous condition in a street, but this section shall not be construed to interfere with the reasonable use of a portion of a street for a reasonable time during the taking in or delivery of goods, wares or merchandise, or as may be required under the Solid Waste By-law.

2.03 Vehicles not to Deposit Earth, Etc.

No person hauling earth, stone, refuse or other substance in a street shall permit or cause the contents to fall, spill or be deposited in a street nor shall mud, clay or other material be deposited in the street from the wheels of a vehicle without the permission of the Commissioner.

2.04 Use of Lugs

No person shall operate on a street any vehicle having

PART 2 PROHIBITED ACTIVITIES - CONT'D2.04 Use of Lugs - Continued

on the wheel or treads thereof, any metal lugs, cleats, shoes, grouser shoes or like devices, unless permission to do so has been obtained from the Commissioner except that studded tires and tire chains may be used in accordance with the provisions of the Highway Traffic Act of the Province of Manitoba.

2.05 Repairs to Vehicles

No person shall do any work of construction or repair to a vehicle in a street except where such repairs are of an emergency nature.

2.06 Washing Vehicles

No person shall wash a vehicle, other than a private passenger vehicle on a street and for the purposes of this sub-section, a private passenger vehicle is any vehicle, other than a bus or a taxi, used solely for the transport of passengers on a street. Without restricting the generality of the foregoing, no person shall wash concrete mixers or concrete transit mixers on a street or cause or permit the wash water or other material flushed from a mixer to be deposited on a street.

2.07 Abandoned Vehicles

No person shall abandon a vehicle in a street. When a vehicle in a street meets the definition of an "abandoned vehicle" the Commissioner may:

- (a) cause such abandoned vehicle to be removed from the street.
- (b) cause the impoundment, storage, destruction or other disposition of the abandoned vehicle so removed, as he may in his sole discretion decide to be appropriate in each case.

The cost and charges incurred in towing, impounding, storing, destroying or disposing of an abandoned vehicle under the By-law, as certified by the Commissioner, shall be a debt owed by

PART 2 PROHIBITED ACTIVITIES - CONT'D2.07 Abandoned Vehicles - Continued

the last owner of the abandoned vehicle to the City and may be recovered by the said City in any court of competent jurisdiction.

2.08 Snow and Ice

No person shall move snow or ice from private property onto a street.

2.09 De-Icing Chemicals

No person other than an employee or agent of the City in the course of his duties shall sprinkle spread or place a de-icing chemical of any kind in a street.

2.10 Use of Dangerous Missiles

No person shall cast, project or throw stones, snowballs, ice or other missiles dangerous to the public, in on onto a street.

2.11 Fireworks

No person shall explode any firecracker or ignite any display of fireworks in a street without the permission of the Commissioner.

2.12 Coasting

No person shall slide, coast, toboggan, or use or ride any skateboard or similar device upon, onto, or over a street.

Nothing in this section shall be construed as prohibiting the pulling of a toboggan or sleigh on a sidewalk or along a boulevard in areas where there is no sidewalk.

PART 2 PROHIBITED ACTIVITIES - CONT'D

2.13 Doors Not to Swing Over Streets

No person shall allow the door of any premises or property he owns or occupies to swing over a street.

2.14 Marking in Street

No person other than an employee or agent of the City or a Utility in the course of his official duties, shall paint, chalk, stencil or mark any advertisement, legend or sign of any kind whatsoever on any structure in a public street.

2.15 Electrical Cords

No person other than a Utility shall place or leave on or across any part of a City street, an unattended electric cord or cable that is intended to be used for transmitting electrical energy from private property to or across a street.

2.16 Trees and Shrubs

No owner or occupier of any land shall allow any part of a tree, shrub or sapling growing thereon to extend over or upon any street, or public place so as to interfere with, impede or endanger persons using such street or public place. When deemed necessary for the convenient and safe use of a street, the Commissioner may, after notice cause any tree, sapling or shrub growing or planted on any adjoining land to be trimmed within the street and the cost as certified by the Commissioner may be charged to the owner of the property on which the tree, sapling or shrub is growing. No person other than an employee or agent of the City shall

PART 2 PROHIBITED ACTIVITIES - CONT'D

- 2.16 climb, break, bark, peel, cut, trim, injure any tree, sapling or shrub in a street. No person shall plant or remove any tree in a street without having first obtained permission from the Commissioner.

PART 3

LICENCES3.01 Licence Requirement

No person shall carry out landscape work, excavate, make a street or boulevard cut, repair or construct paved and unpaved road surfaces, approaches, sidewalks, or construct road grades, drainage ditches, or make repairs to water, sanitary sewer and storm sewer lines or any other work on a street without a licence issued either under this By-law or under the Waterworks By-law, the Sewer By-law, or under the Private Approach By-law, except as may be permitted otherwise under the Private Approach By-law.

3.02 Licencee to be Qualified

No licence, shall be issued to any person who, at the time of his application, fails to furnish a certificate of qualification satisfactory to the Commissioner.

3.03 Licence Fee

No licence shall be issued by the Commissioner until the applicant has paid the required fee as set forth in the Schedule "C" attached to and forming part of this By-law. The City's copy of the licence shall be signed by the applicant and will state that he will replace and restore the street to a condition satisfactory to the City, that he will keep barricades by day and barricades and lights by night at the location of all work in progress and maintain the same in good order to the satisfaction of the Commissioner and that he will conform in all respects to the rules, regulations and by-laws of the City and to any applicable statute of the Province of Manitoba pertaining to streets or works done therein.

3.04 Expiration of Licence

Every licence issued under the provision of this By-law shall remain in force until the first day of January next succeeding the issue thereof or otherwise provided in that licence.

PART 3 LICENCES - CONTINUED

3.05 Idemnity Bond

Every person to whom a licence is issued under this
By-law shall submit to the City Solicitor, an indemnity
bond in accordance with Part 6.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED4.01 Vehicles and Horses

No person, shall lead, drive, ride or back a horse or vehicle on, across, or along a sidewalk, boulevard or curb at any place other than an authorized crossing unless permission to do so has been obtained from the Commissioner through a use of street or street cut permit.

4.02 Removal of Earth

No person shall dig up, take or carry away earth, gravel, sand or turf from a street without having first obtained permission in writing from the Commissioner.

4.03 Bonfires

No person shall make or light a fire in a street without first having obtained written authority from the Commissioner.

4.04 Signs and Banners

- (a) No person shall suspend, fasten or place any poster, banner, advertising device or sign of any kind over a street or on a structure or tree in a street, without first having obtained permission to do so from the appropriate authority of the City and paying any of the required fees or other charges set out in this or any other applicable By-Law of the City. The permittee may be required to post an indemnity bond in accordance with the requirements of Part 6.
- (b) Nothing in this By-Law contained or implied shall be construed to apply to the posting of legal notices in the manner and in the places authorized and prescribed by law.

PART 4 ACTIVITIES FOR WHICH PERMIT REQUIRED CONT'D4.05 Concrete Mixing Machines

No person shall operate on a street any stationary or mobile concrete mixing machine (Excepting a truck or similar vehicle for mixing concrete in transit) without first having obtained a permit to do so from the Commissioner and having submitted an indemnity bond in accordance with Part 6.

4.06 Construction Cranes

No person shall erect a climbing crane or other construction crane where any portion of the apparatus projects over a street, without first having obtained a permit to do so from the Commissioner and having submitted to the City Solicitor an indemnity bond in accordance with Part 6.

4.07 Storage or Use of Equipment, Materials.

No person shall encumber or obstruct or cause to be encumbered or obstructed a street or portion thereof by any means whatsoever without first having obtained permission to do so from the Commissioner and paying the required permit fee as set out in Schedule "A" of this By-law and making such other deposits of funds as may be required.

4.08 Erection of Hoardings, Covered Ways, Fences, Piles or Shoring, etc.

No person shall erect, install or construct a hoarding, covered way, fence, piles or shoring in a street for any purpose without first having obtained a permit from the Commissioner. The work shall be carried out to the satisfaction of the Commissioner and shall conform to the requirements of the Regulations under the Employment Safety Act of the Province of Manitoba.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED -CONTINUED

4.09

Responsibilities of Permit Holder

Conditional upon the issuance of a permit for any of the purposes described in Sections 4.07 and 4.08, the holder agrees to the following:

- (a) To obtain approval of all utilities that might be affected by the proposed work at least 48 hours prior to commencement of work.
- (b) To erect or construct such hoarding or other protective structures as are required by the Regulations under the Employment Safety Act of the Province of Manitoba and The City of Winnipeg Building By-law, and upon request to submit to the Commissioner plans of such hoarding or other protective structures which have been approved by officials responsible for the administration of the Employment Safety Act.
- (c) To confine materials, equipment or construction operations within the portion of the street defined in the permit.
- (d) If an extension of time is required, to apply for a renewal permit at least one week before the expiration date of the current permit.
- (e) To remove all materials, equipment, hoarding, etc. from the street at the earliest possible time and to restore the street to its original condition.
- (f) To take out any permits and pay any fees that are applicable to the situation in accordance with Schedules "A" and "B" of this By-law

NOTE: A use of street permit does not include permission to make an excavation in any portion of the street included within the area covered by the permit.

PART 4 ACTIVITIES FOR WHICH PERMIT REQUIRED - CON'D

4.09 Responsibilities of Permit Holder (Cont'd)

- (g) To take all necessary actions to protect the public against any and all hazards and to submit to the City Solicitor a certified copy of his indemnity bond as required by Part 6 of this By-law.
- (h) To make such deposit of funds as may be required by the Commissioner to cover possible damage to any and all public property contained in or under the street area defined in the permit.

4.10 Permit Renewal and Extension

Permits may be issued in the first instance for a period of up to twelve (12) months and may be renewed or extended at the discretion of the Commissioner for additional monthly periods upon payment of a permit renewal fee as set out in Schedule "A"

4.11 Moving of Buildings and Other Large Objects

No person except a licensed mover, shall move any building, boat, machine or other article in any street within the limits of the City if such buildings, boat, machine or other article while being moved exceeds any of the height, width or weight restrictions set out in the Highway Traffic Act of the Province of Manitoba. Every such mover shall annually, before engaging in such occupation, obtain a license from the City pursuant to the City of Winnipeg License By-law No. 260/72.

PART 4 ACTIVITIES FOR WHICH PERMIT REQUIRED -- CON'D

4.11 Moving of Buildings and Other Large Objects-Cont'd

4.11.01 An applicant for a move permit shall supply the following information:

- (a) Present location, proposed route, and final destination of building, boat, machine or other article to be moved.
- (b) Weight, length, width and loaded height of the building, boat, machine or other article.
- (c) Date, time and duration of proposed move.

4.11.02 No permit shall be issued for the removal of any building until the applicant has:

- (a) Satisfied the Commissioner of Finance that the taxes upon the land upon which said building is situated have been paid in full and that the said land has not been sold for taxes, or if so sold, has been redeemed. A tax clearance form must be submitted by the applicant.
- (b) Obtained a crossing permit and has made such deposit as may be required by the Commissioner.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED -CONT'D

4.11.02

Moving of Buildings and Other Large Objects (Continued)

- (c) Made arrangements with each utility for the supply of any services required, and to pay a deposit to the utility concerned for such services and/or for possible damage to the plant or equipment of the utility, as may be required by each utility. A list of the utilities and agencies which the applicant must contact and obtain clearance from will be supplied to the applicant when application is made for a permit.
- (d) Obtained clearance from the City of Winnipeg Police Department.

4.11.03

General Conditions

- (a) No mover shall anchor any equipment to any structure or tree in a street.
- (b) All moves shall strictly comply with the conditions specified in the permit.
- (c) All necessary removing or cutting of wire necessitated by the moving of any building, boat, machine or other article shall only be done by the duly authorized workmen of the owners of such wires, and it shall be the duty of the utility whose wires are likely to be affected by any such moving upon being duly notified by the licensee as aforesaid, to have competent workmen in attendance during such moving who shall take all necessary precautions to prevent any accidents or injury to the public or any damage other than to the building, boat, machine or other article being moved.

PART 4 ACTIVITIES FOR WHICH PERMIT REQUIRED-CONT'D

4.12 EXCAVATIONS

4.12.01 No person shall cut, break, tear up or remove any road surface or make any excavation in/or under a street for any purpose without first having obtained the appropriate permit from the Commissioner.

(a) Every person who desires to make an excavation in or under a street shall apply to the Commissioner for permission under this by-law and shall pay an excavation permit fee in accordance with Schedule "A" of this By-law and a street cut repair fee where applicable in accordance with Schedule "B" of this By-law at the time of application.

(b) Applications for excavation permits for sewer, water, gas or other utility service connections must be made at least forty-eight hours prior to commencement of the work. The Commissioner shall be notified at least twenty-four hours prior to commencement of backfilling operations. (In case of emergency repair work, immediate notice shall suffice).

(c) Applications for excavation permits for utility structures must be made at least seven (7) days prior to commencement of the work except in the case of emergency repair work when immediate notice shall suffice. Such plans as may be required showing alignment, grade and structural details of the proposed work shall be supplied to the Underground Structures Committee for inspection and approval before an excavation permit is issued. Changes in alignment or grade must be approved by the Committee before being carried out in the field and "revised as constructed" plans shall be submitted upon completion of the work. The Commissioner shall be

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED -CONT'D

4.12 EXCAVATIONS (Continued)

4.12.01 notified at least twenty-four hours prior to commencement of backfilling operations.

(d) Every person who applies for and receives an excavation permit shall check for locations of other structures and trees that may be affected by the proposed work and shall be held responsible for damage to any structure or trees in the street, resulting from the actions of the permit holder or his agents in the course of carrying out the work authorized by the permit.

(e) No excavation permit shall be issued for the purposes set forth in this section except to a person licensed to do so by the City or to an employee of the City for work carried out in the course of his employment by the City.

4.12.02 Restoration of Street

(a) Where an excavation or opening is made in a paved portion of a street, the excavation shall be backfilled to within three (3") inches of the top of the existing pavement with unshrinkable fill consisting of concrete mixed in the proportion of one bag of Portland Cement to one cubic yard of concrete aggregate; provided, however, that if written permission of the Commissioner to do so is first obtained by the permittee, the permittee may backfill the excavation, in whole or in part, with approved

PART 4 ACTIVITIES FOR WHICH PERMIT REQUIRED - CONT'D

4.12.02 Restoration of Street - Continued

- (a) granular material thoroughly tamped in substitution for unshrinkable fill. The top three (3") inches of backfill shall be of asphaltic material of quality and compaction approved by the Commissioner to form a temporary cap over the unshrinkable or other backfill.
- (b) Where a street cut occurs within twenty-four (24) inches of the back of the curb or edge of pavement if there is no curb, the pavement section between the cut and the back of curb or pavement edge shall be included in the area for which a cut permit must be taken. In calculating the costs for permit purposes, removal and replacement of the curb and gutter section shall be at the rates set out in Schedule "B".
- (c) Where it has been necessary to tunnel under a street, that portion of the excavated area that is not occupied by the installed structure shall be backfilled with a material and in such a manner as is deemed satisfactory by the Commissioner.
- (d) Where an excavation or opening is made in a graded roadway or adjacent roadside ditches, excavated material may be replaced and consolidated by either mechanical compaction or water tamping or a combination of both methods. The portion of the excavation across the road must be restored to grade using a final lift of crushed stone six (6) inches in depth. Water tamping is defined as flooding a back-filled excavation with water from a fire hose placed in holes spaced at suitable intervals in the backfill. After flooding, the hole is brought to grade again and re-flooded. The operation is repeated until no visible settlement occurs. The method used and the compaction obtained must be approved by the Commissioner.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED CONT'D

- (e) The permittee shall complete backfilling of an excavation or opening referred to in subsection 4.12.02 (a), (b), and (c) of this section to the satisfaction of the Commissioner, and the City or its agent will then complete the restoration of the graded roadway or pavement to its original condition. The permittee is responsible for the maintenance of these cuts in a safe condition until accepted by the Commissioner.
- (f) Where an excavation or opening is made in a street and is not in a graded roadway or paved area, the excavation or opening shall be backfilled and the surface restored by the permittee in the manner following.
- (i) Earth Backfill: Excavated materials shall be replaced and consolidated by mechanical compaction or by water tamping. Method to be used and compaction obtained shall be approved by the Commissioner. The consolidated backfill shall be brought to ground level. The City or its agent will then complete the restoration of the boulevard to its original condition.
- (ii) Granular fill: Notwithstanding 4.12.02 (f) (i) above, granular fill shall be used when an excavation in an unpaved area is within 18 inches laterally of paved area, roadway or walk, and fill is more than 30 inches in depth. The gravel must be consolidated by water tamping or mechanical compaction. The consolidated gravel shall be levelled off twelve (12) inches below grade and earth fill placed, tamped and levelled and brought to the surface grade. The City or its agent will then complete the restoration of the boulevard to its original condition.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED - CONT'D4.12.02 Restoration of Street (Continued)

(iii) The restoration of streets as detailed under subsections 4.12.02 (f) (i) and 4.12.02 (f) (ii) above shall be completed within two weeks of backfilling except that in the case of cuts backfilled during the period between November 1st and April 30 following, the restoration shall be completed not later than the 15th day of June next following.

4.12.03 All openings made in paved street surfaces shall be pre-cut with a concrete saw to a minimum depth of 1½ inches along all edges to ensure a straight, vertical edge for the upper portion of the cut, and the pavement within the boundaries of the saw cut shall be removed by the permittee to the full depth of the adjacent pavement. It shall be the permittee's responsibility to ensure that existing reinforcing steel is protected for re-use in the restoration of the cut area.

4.12.04 Notwithstanding any other requirements of this section. the Commissioner may, under special circumstances authorize in writing, a utility company or its agents to carry out the restoration of the street surface at locations where the utility company has been authorized to make excavations.

4.12.05 All work of filling or backfilling an excavation or opening of tunnel or of restoring a street shall be subject to inspection and acceptance by the Commissioner.

4.12.06 If a permittee fails to restore a street in accordance with the provisions of this by-law, the City may perform such work as is deemed necessary by the Commissioner, and the cost of that work as certified by the Commissioner, including additional inspection costs shall be paid to the City by the permittee forthwith upon demand.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED - CONT'D

- 4.12.07 Every permit issued under this part of the by-law shall be null and void unless the work authorized by the permit is commenced within sixty (60) days from the date of granting the permit. Permit fee refund will be made at the discretion of the Commissioner.
- 4.12.08 Excavated material, which is not to be used for backfill, shall not be stored on a street at any time.
- 4.12.09 No permittee shall permit any trucks or other equipment to be stored on a street nor shall any work take place between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. on any street listed in Schedule "E" of this By-law except where emergency repairs are being carried out or unless permission to do so has been received from the Commissioner.
- 4.12.10 The Commissioner has the authority to modify or vary any of the requirements contained in sub-sections 4.12.02 (a) (b) (c) (d) (e) (f) and 4.12.03 of this section where such modification or variation, in his opinion, will substantially accomplish the object of the requirements.
- 4.13 Work Site Protection
- 4.13.01 Every work of excavating in a street shall proceed expeditiously and the permittee shall not allow a street cut excavation to remain open, unless the work is actively in progress.
- 4.13.02 Every person who breaks, tears up or removes any planking, manhole cover, pavement, sidewalk, curbing, macadamizing or other road surface or makes any excavation in, or places any obstruction in a street or does any other work in or adjacent to a street which obstructs or may be likely to obstruct or in any way interfere with the use of the street,

PART 4 ACTIVITIES FOR WHICH PERMIT REQUIRED CONTINUED4.13 Work Site Protection (Continued)

4.13.02 or who causes any of the said things to be done, shall cause the work area to be protected in accordance with the provisions of the "Manual of Temporary Traffic Control in Work Areas on City Streets".

4.13.03 There is hereby adopted as part of this By-law the document entitled Manual of Temporary Traffic Control in Work Areas on City Streets and identified by the signature of the Commissioner as schedule "D" of this By-law and any person obtaining a permit from the Commissioner pursuant to this By-law shall comply with the provisions of the aforesaid Manual which relate to the particular situation under which the permit is granted.

4.13.04 Whenever vehicular or pedestrian traffic is to be maintained through or adjacent to the work area, the following requirements shall be observed;

(a) Excavations in boulevard, sidewalk or roadway areas - when work is temporarily suspended, all such excavations shall be protected with a covering of structural capacity sufficient to ensure the safe passage of pedestrian traffic.

(b) Excavations in roadways - when work is temporarily suspended and where vehicular traffic is to be maintained, all such excavations shall be covered by a steel plate or similar device of structural capacity sufficient to ensure the safe passage of vehicular traffic and shall use some positive means of anchorage to prevent lateral displacement of the plate or similar device.

4.13.05 Every licence issued under this part of the By-law shall remain in force until the first day of January next succeeding the issue thereof.

PART 4

ACTIVITIES FOR WHICH PERMIT REQUIRED CONT'D

4.13 Work Site Protection (Continued)

- 4.13.06 Every person receiving a licence under this By-law shall submit an indemnity bond in accordance with Part 6.

PART 5

DAMAGE DEPOSIT

At any location where a building permit is required the owner or his agent may be required to make a deposit covering possible damage to any structure in the adjoining streets resulting from his operations. The deposit may be retained by the City until all work on the construction site, including lot grading, has been completed.

5.01 Where access to the construction site is required across a boulevard, sidewalk or curb the owner or his agent shall, in addition to the above be required to take out a crossing permit as set out in Schedule "A" of this By-law.

5.02 Where any material is placed or deposited in a street or damage is done to a structure in a street the Commissioner may give a written notice by registered mail to the owner or his agent requesting that the said materials be removed or the damages be repaired. If the said materials are not removed or if the said damages are not repaired in a manner satisfactory to the Commissioner by the time limit set in the said notice, the Commissioner may remove the said materials or make said repairs and deduct the costs thereof from the damage deposit paid to the City and may collect any balance not covered by the damage deposit in the same manner as other debts owing to the City.

PART 6

BONDING

Wherever in this By-law, an "indemnity bond" is required to be posted, such a bond shall be filed with the Commissioner of Finance and shall be in a form satisfactory to the City Solicitor and issued by a surety company authorized to carry out business in the Province of Manitoba in the amounts of \$250,000 covering personal injury, and \$250,000 covering property damage.

PART 7

POWERS OF THE COMMISSIONER7.01 Restrict Use of, Closing, and Barricading Streets

- (a) The Commissioner may close a street to public traffic or restrict the use of the street when the same is being repaired, paved, or work is being carried on or to prevent damage to the street or for any other reasons deemed to be in the public interest.
- (b) The Commissioner may erect or cause to be erected signs and barricades at any point or points of any street which is being repaired, paved, or to prevent damage to the street, or where any work is being done therein, and no person shall put down, destroy or interfere with a barricade or sign so erected or drive or ride over that portion of the street so barricaded or drive or ride over that portion of the street so signed in contravention to the signing.

7.02 Remedial Action

The Commissioner may abate, remedy, remove or repair any nuisance or dangerous condition in a street or remove any unauthorized structure, pole, post or material in a street or erect and maintain any barricades or other protective device in a street for the purpose of preventing a breach of this By-law or to protect a hazardous condition in a street resulting from an action contrary to this By-law or a failure to act in accordance with the By-law. The cost of any remedial actions undertaken by the Commissioner in accordance with the above authority shall be borne by the person responsible for the contravention of the By-law.

7.03 Cancellation of Permits

The Commissioner may cancel any permit which has been issued under his authority at any time, if the permit holder or his agent(s) fail to comply with any of the requirements of the By-law under which the said permit was originally issued.

PART 7 POWERS OF THE COMMISSIONER -CONT'D

7.04 Authority to Deny Permit

The Commissioner has the authority to deny the issuance of a permit where in his opinion it is in the public interest to do so.

7.05 Interference with Officials

No person shall interfere in any way with the Commissioner, or other City official or anyone acting under the authority of, or by the instructions of the Commissioner or any such official in the performance of any of the duties imposed upon them by this By-law.

PART 8

GENERAL PENALTIES

8.01

General

Any person found guilty of a breach of any provision of this By-law shall be liable on conviction to a fine of not less than fifty dollars (\$50.00) and costs. Any person who has been given notice by the Commissioner or otherwise by the City to do any act or thing to remedy any situation or condition existing contrary to any part of this By-law and who neglects or refuses to comply with such notice shall in addition to any other offence be guilty of an offence against this By-law for each and every day he so offends after the time set in such notice for the remedying of the act or omission therein referred to and shall for such offence be liable on conviction to the same fine and costs as provided for in the case of the first such offence against the By-law. Conviction and payment of such fine shall not remove the responsibility of the person so convicted for the cost of remedying the condition for which conviction was made.

PART 9

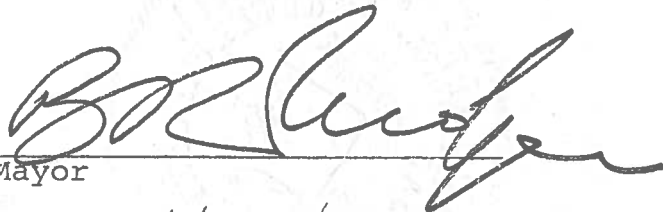
REVISION TO SCHEDULES

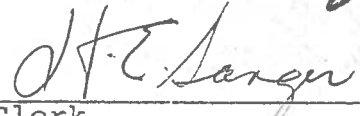
The Board of Commissioners may, at their discretion,
revise any of the schedules contained in this by-law.

REPEAL OF EXISTING BY-LAWS

All By-laws, resolutions, and orders passed prior hereto by any Area Municipality as defined in Clause (a) of Section 1 of The City of Winnipeg Act and still in force, relating to the use of streets other than those pertaining to vehicular and pedestrian traffic, shall hereinafter cease to have effect.

DONE AND PASSED in Council assembled this 16th
day of MARCH A.D. 1977.


DEPUTY Mayor


City Clerk

Certified as to form:


City Solicitor

SCHEDULE "A" TO BY-LAW NO. 1481/77Fees For the Use of Streets

Every applicant for a permit to use a street in the City of Winnipeg shall pay to the City therefor the following fees:

(a)	For the erection or removal of poles or alterations to pole lines	- per pole	\$ 5.00
(b)	For each permit for the removal, replacement, or hooding of parking meters		
	(i)	for the removal of parking meter posts	\$ 10.00
	(ii)	for the replacement of parking meter posts	\$ 10.00
	(iii)	for the hooding and unhooding of parking meters	- each \$ 10.00
	(iv)	for each day or portion thereof a parking meter cannot be operated	- per meter \$ 1.40
(c)	Crossing permit		\$ 5.00
(d)	Stationary Concrete Mixing Machine		\$ 10.00
(e)	For each permit for erection of signs or banner in a street.		\$ 5.00
(f)	For each permit for the moving of a building		\$ 5.00
(g)	For each permit for the erection of a climbing crane or other similar type crane where the swing of the apparatus projects over a street		\$ 25.00
(h)	For each permit for the use of a street for construction or storage purposes, including areas within hoardings and other public protective barricades other than an area subject to an excavation permit fee.		
	Area of street used - Area between street line and curb	- per sq.ft.per month	\$.10
	Area of roadway traffic lane	- per sq.ft.per month	\$.25

SCHEDULE "A" TO BY-LAW NO. 1481/77 CONT'DFees For the Use of Streets - Continued

- (i) In sub-sections (f) and (h) the Commissioner may, at his discretion, require the applicant to make a deposit to cover repairs to possible damage to public property resulting from the use of street not covered by a street cut permit and excavation fee. The deposit shall be based on the area of street pavement, boulevard, or sidewalk included in the area covered by the permit and the unit costs for work as set out in Schedule "B" for street cut repairs. Notwithstanding the above, the Commissioner may at his discretion, vary the amount of the deposit required.
- (j) Permit to make an excavation in a street.
- For each individual installation not exceeding 100 feet in length or portion thereof. \$ 10.00
- For each additional 100 feet in length or portion thereof \$ 10.00
- (k) The receipt by the City of Winnipeg of any of the above fees shall not relieve the applicant or the person for whom such work is done from any responsibility or liability for any accident or damage or for any breach or default resulting from or arising out of the exercise of any license or privilege granted by any permit as aforesaid.
- (l) The permit or a copy of the permit shall be displayed or produced on demand at the site of the work when requested to do so by a representative of the City.
- (m) Damage Deposit (As defined in Part 5)
- (1) Damage Deposits for single family dwelling \$100.00

SCHEDULE "A" TO BY-LAW NO. 1481/77 CONT'DFees For Use of Streets - Continued

(m) Damage Deposit (as defined in part 4) - continued

(ii) Damage Deposit for multiple dwelling, commercial or industrial building \$50.00 per 1,000 sq. ft. of floor space; minimum fee \$100.00, maximum fee \$1,000.00. The Damage Deposit shall be refundable to the owner after the water has been turned on and the building occupied, providing lot grade has been completed to the satisfaction of the Engineer and that the City property has not been damaged; final inspections will be provided only between the period of June 1st and November 15th of any year.

(n) Permit, extension or renewal fee \$ 5.00

SCHEDULE " B " TO BY-LAW NO. 1481/77Fees For Restoration of Street Cuts

- (1) Paved Roadways -minimum fee for each installation
up to and including two (2) square
yards.....\$ 80 .00
-for each additional square yard \$ 40 .00
- (2) Graded Roadways -per square yard\$ 13 .00
- (3) Paved Sidewalks -minimum fee for each installation
up to and including four sq.yards..\$ 80 .00
-for each additional square yard....\$ 20 .00
- (4) Boulevards -minimum fee for each installation .
up to and including five square yds\$ 25 .00
-for each additional square yard....\$ 2.50
- (5) Curb - minimum fee for each installation
up to and including two lineal ft.\$ 16.00
- for each additional lineal foot...\$ 8.00

In computing the permit costs, any fraction of a square yard shall be assumed to measure one square yard.

The above noted fees cover the cost to the City for the restoration of the surface.

SCHEDULE "C" TO BY LAW NO. 1481/77

Licence fees for the carrying out of certain activities under the provisions of this by-law are listed below:

(a) Excavation and/or Paving Contractor

- (i) Initial year or part thereof.....\$50.00
- (ii) Annual Renewal.....\$25.00

(b) Landscaping Contractor

- (i) Initial year or part thereof.....\$50.00
- (ii) Annual Renewal.....\$25.00

SCHEDULE "D" TO BY-LAW NO. 1481/77

There is hereby adopted as part of this by-law, the document entitled "Manual of Temporary Traffic Control in Work areas on City Streets" and identified by the signature of the Commissioner.

SCHEDULE "E" OF BY-LAW NO. 1481/77

List of streets on which no trucks or equipment may be stored on a street nor shall any work take place between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m. except where emergency repairs are being carried out or unless otherwise authorized by the Commissioner.(Section 4.1 .09)

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
<u>DISTRICT #1</u>		
Alexander Avenue	Princess Street	Main Street
Arlington Street	Portage Avenue	Arlington Viaduct
Balmoral Street	Notre Dame Avenue	Ellice Avenue
Broadway	Portage Avenue	Main Street
Carlton Street	Notre Dame Avenue	Broadway
Colony Street	Ellice Avenue	Portage Avenue
Colony Street	St. Mary Avenue	York Avenue
Cornish Avenue	Maryland Street	Sherbrook Street
Cumberland Street	Maryland Street	Donald Street
Disraeli Freeway	Main Street	Disraeli Overpass
Donald Street	Notre Dame Avenue	Midtown Bridge
Donald Street	Donald Street	Smith Street
Doreen Street	Wolseley Avenue	Portage Avenue
Dublin Avenue	St. James Street	Midland Street
Eastway	Empress Street	Empress Street East
Edmonton Street	Broadway	Cumberland Avenue
Ellice Avenue	St. James Street	Notre Dame Avenue
Empress Street	Portage Avenue	Wellington Avenue
Empress Street East	Empress Street	Wolseley Avenue
Erin Street	Notre Dame Avenue	Portage Avenue
Fort Street	Broadway	Portage Avenue
Garry Street	Ellice Avenue	Broadway
Graham Avenue	Vaughan Street	Main Street
Hargrave Street	Broadway	Notre Dame Avenue
Higgins Avenue	Princess Street	Higgins Subway
Isabel Street	Notre Dame Avenue	Alexander Avenue
James Avenue	King Street	Main Street

SCHEDULE "E" OF BY-LAW NO. 1481/77

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
<u>DISTRICT #1 - (Continued)</u>		
Keewatin Street	Notre Dame Avenue	C.P.R. South of Vopni
Kennedy Street	Cumberland Avenue	Broadway
King Street	Smith Street	Higgins Avenue
Logan Avenue	Disraeli Freeway	Keewatin Street
Main Street	Main Street Bridge	Main Street Subway
Maryland Street	Cornish Avenue	North of Higgins
McPhillips Street	Notre Dame Avenue	Notre Dame Avenue
Memorial Boulevard	Portage Avenue	McPhillips Subway
		York Avenue
Notre Dame Avenue	Portage Avenue	St. James Street
Osborne Street	St. Mary Avenue	Osborne Street Bridge
Pioneer Avenue	Main Street	Water Avenue
Portage Avenue	Main Street	St. James Street
Portage Avenue East	Main Street	Westbrook Street
Princess Street	Notre Dame Avenue	Higgins Avenue
St. James Street	Portage Avenue	Notre Dame Avenue
St. Mary Avenue	Spence Street	Main Street
Salter Street	Alexander Avenue	Salter Viaduct
Sargent Avenue	Edmonton Street	St. James Street
Sherbrook Street	Cornish Avenue	Logan Avenue
Smith Street	Notre Dame Avenue	Donald Street
Spence Street	St. Mary Avenue	Portage Avenue
Vaughan Street	York Avenue	Ellice Avenue
Wall Street	Portage Avenue	Notre Dame Avenue
Water Avenue	Main Street	Provencher Bridge
Wellington Avenue	Empress Street	St. James Street
Westbrook Street	Water Avenue	Portage Avenue East
Westway	Empress Street	Empress Street East
Wolseley Avenue	Doreen Street	Empress Street East
York Avenue	Colony Street	Main Street
<u>DISTRICT #2</u>		
Century Street	Ness Avenue	Dublin Avenue
Dublin Avenue	St. James Street	King Edward Street
Ellice Avenue	Ferry Road	St. James Street

SCHEDULE "E" OF BY-LAW NO. 1481/77

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
<u>DISTRICT #2 - (Continued)</u>		
Ferry Road	Ellice Avenue	Portage Avenue
King Edward Street	Oak Point Highway	King Edward Street East
King Edward Street East	King Edward Street	St. Matthews Avenue
Kintyre Street	St. James Bridge	Portage Avenue
Logan Avenue	Keewatin Street	King Edward Street
Ness Avenue	Sturgeon Road	St. James Street
Notre Dame Avenue	St. James Street	King Edward Street
Oak Point Highway	King Edward Street	Selkirk Avenue
Portage Avenue	St. James Street	West Limit St. Charles Street
Queen Street	Portage Avenue	700' North
St. James Bridge & Int.	Assiniboine River	Ness Avenue
Saskatchewan Avenue	P.T.H. 101	Sturgeon Road
Sargent Avenue	King Edward Street	St. James Street
Silver Avenue	Sturgeon Road	Hamilton Avenue
Sturgeon Road	Portage Avenue	North City Limit
Vopni Avenue	Keewatin Street	King Edward Street
Wellington Avenue	St. James Street	Airport Boundary
<u>DISTRICT #3</u>		
Arlington Street	Arlington Viaduct	Inkster Boulevard
Disraeli Street	Sutherland Avenue	Rover Avenue
Disraeli Freeway	Disraeli Overpass	N.E. Side Red River
Gladstone Street	Sutherland Avenue	Disraeli Street
Higgins Avenue	Higgins Subway	N.E. Side Red River
Inkster Boulevard	P.T.H. No. 6 & 7	Main Street
Keewatin Street	C.P.R. South of Vopni	Inkster Boulevard
Leila Avenue	McPhillips Street	Main Street

SCHEDULE "E" OF BY-LAW NO. 1481/77STREETFROMTODISTRICT #3 - (Continued)

Main Street	Main Street Subway North of Higgins	North City Limits (approx. 900' North of Benn Avenue)
McGregor Street McPhillips Street	Jarvis Avenue McPhillips Subway	Leila Avenue North City Limits (Approx. 500' South of Drury Avenue)
Mountain Avenue	Main Street	McPhillips Street
Oak Point Highway	Selkirk Avenue	P.T.H. No. 6 & 7
Partridge Avenue P.T.H. No. 6 & 7	Main Street Oak Point Highway	Leila Avenue Mollard Avenue
Redwood Avenue	East Side Red River	Salter Street
Salter Street Selkirk Avenue	Salter Viaduct Main Street	Leila Avenue McPhillips Street

DISTRICT #4

Concordia & Lagimodiere Interchange Concordia Route	Gateway Road	Lagimodiere Boulevard
Day Street Dugald Road	Pandora Avenue 700' W. of Plessis Rd.	Regent Avenue P.T.H. 100
Gateway Road Grassie Boulevard	Munroe Avenue Plessis Road	Concordia Route Lagimodiere Boulevard
Henderson Highway	N.E. Side Red River	North City Limit (Glenway Avenue)
Hespeler Avenue	E/S Red River	Henderson Highway
Johnson Avenue	Henderson Highway	Levis Street
Lagimodiere Boulevard	700' North of Warman Street	North City Limit (approx. 650' North of Knowles Avenue)
Levis Street Levis Street	Talbot Avenue Johnson Avenue	Nairn Avenue Watt Street
Midwinter Avenue Munroe Avenue	Riverton Avenue Henderson Highway	Stadacona Street Gateway Road
Nairn Avenue	Stadacona Street	Bird's Hill Road

SCHEDULE "E" OF BY-LAW NO. 1481/77

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
<u>DISTRICT #4 - (Continued)</u>		
Pandora Avenue Plessis Road	Day Street Grassie Boulevard	Ravenhurst Street N. Boundary, Lot 134, P. 433
Ravenhurst Street Regent Avenue Riverton Avenue	Pandora Avenue Bird's Hill Road Henderson Highway	Dugald Road Day Street Midwinter Avenue
Springfield Road Stadacona Street	Henderson Highway N.E. Side Red River	Lagimodiere Boulevard Talbot Avenue
Talbot Avenue	Henderson Highway	Stadacona Street
Watt Street	Archibald Subway	Munroe Avenue
<u>DISTRICT #5</u>		
Archibald Street	C.P.R. Track	P.T.H. No. 1
Dakota Street Des Meurons Dugald Road Dunkirk Drive & Kingston Row Interchange Dunkirk Drive	St. Mary's Road Provencher Boulevard Lagimodiere Boulevard	Vista Avenue Marion Street 700' W. of Plessis Road
Fermor Avenue	St. Vital Bridge Dunkirk Drive	St. Mary's Road St. Anne's Road
Goulet Street	St. Mary's Road	Youville Street
Marion Street	St. Mary's Road	Lagimodiere Boulevard
Lagimodiere Boulevard	700' N. of Warman St.	John Bruce Road
Provencher Boulevard P.T.H. No. 1	Provencher Bridge St. Anne's Road	Archibald Street Plessis Road
St. Anne's Road St. Mary's Road	St. Mary's Road Norwood Bridge	P.T.H. 100 N. Limit Winnipeg Floodway
Tache Avenue	St. Mary's Road	Provencher Boulevard
Youville Street	Goulet Street	Marion Street

SCHEDULE "E" OF BY-LAW NO. 1481/77

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
<u>DISTRICT #6</u>		
Academy Road	Kenaston Boulevard	Cornish Avenue
Bison Drive	Waverley Street	Pembina Highway
Corydon Avenue	O'Grady Boulevard	Donald Street
Donald Street	Midtown Bridge	Corydon Avenue
Donald Street Diversion	Gertrude Avenue	Stradbrook Avenue
Grant Avenue	Pembina Highway	Roblin Boulevard
Harkness Street	Mayfair Avenue	Stradbrook Avenue
Jubilee Avenue	Osborne Street	Pembina Highway
Kenaston Boulevard	McGillivray Boulevard	Academy Road
Main Street	Main Street Bridge	Norwood Bridge
Matheson Road	University Crescent	Pembina Highway
Mayfair Avenue	Main Street	Harkness Street
McGillivray Boulevard	Pembina Highway	West City Limit (Brady Road)
McMillan Avenue	Osborne Street	Donald Street
Osborne Street	Osborne Bridge	St. Vital Bridge
Osborne St. & Churchill Drive Interchange		
Pembina Highway	Osborne Street	South City Limit (approx. 4800' South of Turnbull Drive)
Pembina Highway - Jubilee Interchange		
River Avenue	Wellington Crescent	Main Street
Roblin Boulevard	O'Grady Boulevard	P.T.H. 100
St. James Bridge & South Approach	Academy Road	Assiniboine River
Shaftesbury Boulevard	Grant Avenue	Corydon Avenue
Stafford Street	Academy Road	Pembina Highway
Stradbrook Avenue	Wellington Crescent	Harkness Street
Taylor Avenue	Pembina Highway	Kenaston Boulevard
Tuxedo Avenue	Kenaston Boulevard	Corydon Avenue
University Crescent	Pembina Highway	Matheson Road
Waverley Street	Grant Avenue	P.T.H. 100
Wellington Crescent	Maryland Bridge	River Avenue
Wilkes Avenue	Waverley Street	P.T.H. 100