Agenda - Council - July 27, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 2 Amendments to Planning, Development and Building Fees By-law No. 166/2004
File EP-1

STANDING COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the amendments to the Planning, Development and Building Fees By-law No. 166/2004 referenced in the report from the Director of Planning, Property and Development dated May 25, 2005, be approved and the by-law forwarded to Council for three readings.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: Proposed Amendments to the Planning, Development and Building Fees By-Law 166/2004

For submission to: **Standing Policy Committee on Property and Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: **May 25, 2005**

Recommendation(s):

1. That the proposed By-law, attached to this report, be approved to amend the Planning, Development and Building Fees By-law No. 166/2004.

2. That the proper officers of the City be authorized to do all things necessary to implement the foregoing.

REPORT SUMMARY

Key Issues:

The overall intent of the proposed amendments is to correct errors, omissions and inconsistencies and to provide wording clarification as to the intent of fee applications for external customers and Planning, Property and Development Department staff. For the most part, fees have not been altered; the amendments typically reflect existing practice. Other than new fees for voice data systems, where some alteration of fees has taken place, the fees have been reduced.

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

Provides clarification as to the intent and application of the proposed amended fees. Ensures that costs associated with providing review, permit and inspection processes for "voice data systems' are recovered (proposed amendment to section 89**).**

Policy implications:

	No
X	**Yes**

Comment(s):

The proposed amendment of s. 134 reinstates the authority of the Standing Policy Committee to refund or waive fees for non-profit and charitable organizations or in situations were it would be unfair to charge the full fee. A similar authority was previously contained in Development Fees By-law No. 6965/97.

Environmental implications:

X	**No**
	Yes

Comment(s):

Human resources implications:

X	**No**
	Yes

Comment(s):

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

REASON FOR THE REPORT:

City Council has authority to make final decisions on matters requiring the enactment of a by-law.

HISTORY:

The Planning, Development and Building Fees By-law, 166/2004, came into effect in February 1, 2005, and imposes planning, development and building fees.

DISCUSSION:

The overall intent of the proposed amendments is to correct errors and omissions and provide wording clarification as to the intent of fee applications for external customers and Planning, Property and Development Department staff. For the most part, fees have not been altered; the amendments typically reflect existing practice. Other than new fees for voice data systems, where some alteration of fees has taken place, the fees have been reduced.

Some notable changes:

- The proposed amendments to sections 26, 71, 96, and 97, provide for a fair and equitable means of applying fees for services provided regarding special events and the erection and use of tents in conjunction with these special events. The result is a reduction in fees where an application applies to erect more than a single tent.

- The proposed amendment to s. 89 (fees for voice data systems) reflects the ever-changing technology in the construction industry and the needs of the industry in conjunction with plan review, inspections and issuance of permits.

- The proposed amendment to s. 134 reinstates the authority of the Standing Policy Committee on Property and Development to refund or waive fees for non-profit and charitable organizations or in situations were it would be unfair to charge the full fee. A similar authority was previously contained in Development Fees By-law No. 6965/97.

Financial Impact Statement Date: May 25, 2005

COMMENTS:

The recommendation contained in this report is that Council enact the attached draft by-law to amend the Planning, Development and Building Fees By-law No. 166/2004. While there would be a financial impact, should the draft by-law be enacted, in terms of refunded or waived fees for non-profit and charitable organizations and/or additional revenues from fees for voice data systems, the estimated net financial impact associated with this recommendation is not considered to be material.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Legal Services Division

Fire Paramedic Services

Environmental Health Services

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Doug Sywake, Technical Support Officer
PPD File #:

Document name: O:\Reports Directive\Development and Inspections\Manager of D&I\2005 Reports\Fees By-law\Fees By-law Report\AMENDMENT 00 RIS.doc

THE CITY OF WINNIPEG

BY-LAW NO. .

A By-law of THE CITY OF WINNIPEG to amend the Planning, Development and Building Fees By-law No. 166/2004.

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

Planning, Development and Building Fees By-law amended

1 This By-law amends the Planning, Development and Building Fees By-law No. 166/2004.

Section 3 amended

2 Section 3, including the heading, is repealed and the following is substituted:

Fees – general

3(1) The fees imposed in this By-law are cumulative and the applicability of one fee does not in itself imply that another fee imposed in this By-law is not also applicable to a person, development or construction project.

3(2) Where a fee imposed in this by-law is a sum that is not a whole dollar, it shall be rounded up or down to the nearest whole dollar.

Section 5 amended

3 Section 5, including the heading, is repealed and the following is substituted:

Late payment or non-payment of fees

5(1) Where a fee imposed by this By-law has not been paid 30 days after it is due and payable, the following administrative fee is hereby imposed……..$25.00

5(2) Where a cheque is provided in payment for a fee imposed by this By-law and is returned as non-negotiable, the following administrative fee is hereby imposed……..$20.00

Section 10 amended

4 The definition **"mylar"** in section 10 is repealed and the following is substituted:

"mylar" *means a plan of subdivision or plan of survey in a form that can be registered at the Land Titles Office.*

Section 26 amended

5 Subsection 26(4) is repealed and the following is substituted:

26(4) The following fees for each application are hereby imposed for a development permit for the erection of tents…… $10.50

Section 27 amended

6(1) Subsection 27(2) is repealed and the following is substituted:

27(2) In respect of single family or two-family dwellings, where an application is made for

(a) multiple variances in respect of the same site; or

(b) identical variances in respect of multiple sites owned by the same person;

the following fee is imposed for the second and each additional variance …….$25.50

6(2) Subsection 27(3) is amended by

(a) striking out *"this section"* and substituting *"clause 27(1)(c)"*; and

(b) striking out *"each site"* and substituting *"the site".*

Section 28 amended

7 Subsection 28(2) is repealed and the following is substituted:

28(2) Where an application is made for

(a) multiple variances in respect of the same site; or

(b) identical variances in respect of multiple sites;

the following fee is imposed for the second and each additional variance …….$25.50

Section 65 amended

8 Section 65 is amended by striking out *"over"* and substituting *"more than"* in the List of Service Index Factors, Group C (Residential Occupancies).

Section 66 amended

9 Section 66 is amended by striking out the following:

Buildings falling within Occupancy Group "A", "B", or "D"	*$2.00*	*$2.50*

and substituting the following:

Buildings falling within Occupancy Group "A" or "B"	*N/A*	*$2.50*
Buildings falling within Occupancy Group "D"	*$2.00*	*$2.50*

Section 71 amended

10 Clause 71(d) is repealed and the following is substituted:

(d) Tents – 84 m2 in area or less

(i) for one tent.....$25.00
(ii) for each additional tent on an application.....$5.00

(e) Tents – more than 84 m2 in total area

(i) for one tent.....$80.00
(ii) for each additional tent on an application.....$10.00

Section 88 amended

11 Section 88 is repealed and the following is substituted:

Electrical life, health and fire safety systems

88 The following fees are hereby imposed for electrical life, health and fire safety equipment and systems for both commercial and residential applications:

(a) bells, pull stations, or similar devices, each..... $ 3.50

(b) detection and similar devices, each..... $ 3.50

(c) emergency lighting unit equipment, each..... $ 7.00

(d) control panel and/or annunciator, each..... $13.00

(e) sprinkler/standpipe flow switches..... $ 3.50

(f) sprinkler/standpipe supervision devices..... $ 3.50

(g) visual or audible signal devices..... $ 3.50

(i) exit signs..... $ 1.10

(j) smoke alarms.....$ 3.50

Section 89 amended

12 The following is added after clause 89(d):

89(e) Voice, Data, Video systems

(i) fibre optic cable installation, flat fee.....$20.00

(ii) data outlets, each.....$1.60

(iii) one data rack, including all components installed in each data rack, such as hub, patch panel, modem, router..... $50.00

(iv) each additional data rack in the same application.....$33.50

Section 96 amended

13 Clause 96(1)(e) is amended by striking out *"per tent"* and substituting *"per application"*.

Section 97 amended

14 Clause 97(c) is amended by adding *", per application"* after *"Tents"*.

Section 105 amended

15 Section 105 is amended by adding *"or an addition to"* after *"the construction of"*.

Section 110 amended

16 Section 110 is amended by adding *"additions,"* immediately before *"renovations, repairs or alterations".*

Section 114 amended

17 Section 114 is repealed and the following is substituted:

114 The following fees are hereby imposed for a permit for any electrical work associated with the construction of a new single-family dwelling or two-family dwelling, determined by the electrical service size as follows:

(a) 400 ampere service or less..... $122.00

(b) More than 400 ampere service……..$150.00

Section 115 amended

18 Section 115, including the heading, is repealed and the following is substituted:

Residential electrical work re additions, renovations, repairs, alterations

115 Subject to sections 118 and 119, the following fees are hereby imposed for a permit for electrical work associated with additions, renovations, repairs or alterations in respect of a single family dwelling, garage, enclosed deck, enclosed pool or outbuilding:

(a) installation of one service or distribution panel board
(i) 600 amperes or less……..$60.00
(ii) more than 600 amperes……..$125.00

(b) installation of second and additional panel boards
(i) 600 amperes or less……...$45.00
(ii) more than 600 amperes……..$80.00

Title of Part 23 amended

19 The title of Part 23 is amended by striking out *"PERMITS"*.

Title of section 131 amended

20 The title of section 131 is amended by striking out *"and building permit fee"*.

Sections 132 to 134 amended

21 Sections 132, 133 and 134, including titles, are repealed and the following is substituted:

Refunds for withdrawn applications or cancellations

132(1) Subject to this By-law, where a person withdraws an application or request for or cancels an authorization, permit, license, certificate or service referred to in this By-law, any fee paid by the person shall be refunded as soon as practicable upon the request of the person.

132(2) Notwithstanding subsection (1), the lesser of $60.00 or the fee paid by the person shall be withheld from any refund paid.

Refund for cancelled building or trade permits

133 Notwithstanding section 132, where a person cancels a permit referred to in Parts 3, 8-15 and 17-20 of this By-law after it has been issued but before initiating work pursuant to the permit, the greater of $60.00 or 40% of the total fees paid shall be withheld from any refund paid.

Refunds or waiver of fees by Standing Policy Committee

134(1) Where the applicant is a corporation whose preponderant purpose is not the earning of a profit or is a charity registered with Canada Revenue Agency, the Standing Policy Committee on Property and Development is hereby authorized to waive or direct the refund of all or part of a fee imposed in Parts 2, 3 or 5 of this By-law, excluding an advertising fee, where

(a) the proposed development will have the effect of providing a public service or will otherwise benefit the community of Winnipeg; and

(b) the waiver or refund has been endorsed by the community committee in which the proposed development will take place.

134(2) The Standing Policy Committee on Property and Development is hereby authorized to waive or direct the refund of all or part of a fee imposed in Parts 2, 3 or 5 of this By-law, excluding an advertising fee, where the Committee is satisfied that failing to do so would be unfair in the circumstances.

Electrical By-law amended

22 Schedule "A" of the Winnipeg Electrical By-law No. 36/2003 is amended by repealing subrule 2-006(12) and substituting the following:

(12) An administrative fee determined by The Planning, Development and Building Fees By-law is hereby imposed for a contractor license that is renewed after its expiry date.

DONE AND PASSED, in Council assembled, this day of , 2005.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property
and Development

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services

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