Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 20 Adoption of the Winnipeg Electrical By-law
File EB-2.1

STANDING COMMITTEE RECOMMENDATION:

On April 19, 2006, 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 That Winnipeg Electrical By-law No. 36/2003 be repealed and the new Winnipeg Electrical By-law attached to the report from the Director of Planning, Property and Development dated March 30, 2006, which adopts and modifies the 2006 Canadian Electrical Code Part I, be enacted.

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

Report - Standing Policy Committee on Property and Development - April 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2006, 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 April 4, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation No. 1 be amended by deleting the words "By-law No. 26/2003" in the first line and substituting the words "By-law No. 36/2003",

and submitted the matter to the Executive Policy Committee and Council.

Re: ADOPTION OF THE WINNIPEG ELECTRICAL BY-LAW

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

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

Report date: March 30, 2006

Recommendation(s):

1. That Council repeal Winnipeg Electrical By-law No. 26/2003 and enact the proposed new Winnipeg Electrical By-law (attached) which adopts and modifies the 2006 Canadian Electrical Code Part I.

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

REPORT SUMMARY

Key Issues:

- The proposed new Winnipeg Electrical By-law is required to adopt the 2006 Canadian Electrical Code, Part I. This by-law would replace the existing Winnipeg Electrical By-law No. 26/2003.

Implications of the Recommendation(s):

General implications:

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

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

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 must adopt by-laws.

HISTORY:
On March 26, 2003, Council adopted Winnipeg Electrical By-law 36/2003, a By-law to authorize and regulate the electrical installations of building(s) or property. This By-law adopted the 2002 Canadian Electrical Code, Part I, Nineteenth Edition, and amended the Code as required to accommodate the enforcement procedures of the City of Winnipeg and to accommodate best practice in Manitoba as a whole.

The Canadian Electrical Code, Part I, is published by the Canadian Standards Association (CSA) with input from all provinces and territories. The Code sets out standards governing electrical installations for buildings, structures and premises throughout Canada. This Code is reviewed and updated at a national level with a standard publication cycle of every four years.

DISCUSSION:
The Canadian Electrical Code, Part I is designed with input from all provinces and territories and is intended to serve as a set of national standards governing electrical installations for buildings, structures and premises throughout Canada Nevertheless, local authorities are free to adapt and modify this Code for local conditions as well as to accommodate their own procedures.

Publication of a new 2006 Canadian Electrical Code, Part I has brought forward additional revisions that incorporate new changes in regulation reflected in the Canadian electrical industry. Many of the modifications of the previous Code that the City of Winnipeg had made through the Winnipeg Electrical By-law No. 36/2003 have in fact been adopted for use nationally in the 2006 Code.

With the publication of a new Code, the City has traditionally repealed the existing By-law and replaced it with a new electrical by-law adopting the latest Canadian Electrical Code, Part I,

including such modifications as the City, in consultation and with the concurrence of Manitoba Hydro, considers appropriate.

The attached proposed Winnipeg Electrical By-law makes several technical modifications to the 2006 Electrical Code. In keeping with past practice, all of these modifications will also be made by Manitoba Hydro when it adopts the new Code for use outside the City of Winnipeg.

One substantive modification that the Department is proposing is the deletion of subrule 30-308(4) "…requiring integral switches to Fluorescent light fixtures". This subrule was added to the Canadian Electrical Code in June 2005 and is continued in the 2006 Code due to the volume of workplace deaths due to the lack of integral switches. It was anticipated that manufacturers would modify fixtures to suit this new requirement by the time regulators had the regulation implemented. However, after consultations with other authorities, the Department has reluctantly concluded that manufacturers cannot currently meet the above requirement and will not likely be able to do so for another year. Accordingly, the Department is recommending deletion of this unenforceable requirement from the Code and anticipates seeking Council's approval for an amendment to the By-law within one year that would reinstate this provision. It should further be noted, that the anticipated publication cycle of the Canadian Electrical Code, Part I would be reduced from every four years to every three years. As such, the Department will amend the associated by-law review and report submission cycle to reflect this anticipated publication frequency.

Another substantive modification is the deletion of Rule 2-306. This rule was added to the Canadian Electrical Code in June 2005 to provide some workplace safety measures similar to the United States National Electrical Code. After consultations with other authorities across Canada and the U.S., it was found there is a lack of understanding of how to enforce this rule. Accordingly, the Department is recommending deletion of this unenforceable requirement from the Code and anticipates seeking Council's approval to reinstate this provision within a year or so when it anticipates the department is ready to enforce the rule.

Recently, the Provincial Government amended its past practice to issue Voice Data Video licences to individuals who install, maintain and repair a variety of low voltage systems, including signalling systems (such as "nurse calls" and security systems), telephone, data networks and audio-video systems. Because the City's Electrical By-law relies on the licencing system employed by the Province, this new licence is automatically incorporated into the requirements of the By-law. However, from the City's perspective, the principal concern is that the installation of these systems will undermine the integrity of fire separations and other life safety measures required in the Building Code. Accordingly, the By-law being proposed specifically exempts Voice Data Video installations in single-family detached houses, which do not have fire separations, from the requirement for a permit.

The proposed By-law, and the 2006 Electrical Code it adopts, will take effect on May 1, 2006.

Financial Impact Statement Date: March 20, 2006

COMMENTS:

The recommendation in this report is that Council repeals Winnipeg Electrical By-law No. 26/2003 and enact the proposed new Winnipeg Electrical By-law (attached) which adopts and modifies the 2006 Canadian Electrical Code Part I. There are no financial implications associated with this recommendation.

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

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

Legal Services Division, Corporate Services

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections Division
Prepared by: Mike Anderson, Electrical Plan Examination Engineer

Document name: O:\Reports Directive\Development and Inspections\Plan Examination\New Electrical By-law mar17.doc

THE CITY OF WINNIPEG

THE WINNIPEG ELECTRICAL BY-LAW
NO. /2006

A By-law of THE CITY OF WINNIPEG adopting and varying the 2006 Canadian Electrical Code.

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

Title

1. This By-law shall be referred to as "The Winnipeg Electrical By-law".

Definitions

2. In this By-law:

"Code" means the 2006 Canadian Electrical Code, Part I, Twentieth Edition, C22.1-06, Safety Standard for Electrical Installations adopted by this By-law or a subsequent and similar Code adopted by this By-law.

"Designated employee" means the Manager of Development and Inspections of the Planning, Property and Development Department of the City of Winnipeg and any employee of the City to whom he or she has delegated authority to administer or enforce all or part of this By-law.

Adoption of Canadian Electrical Code

3(1) Except as varied by this By-law, the 2006 Canadian Electrical Code, Part I, Twentieth Edition, C22.1-06, Safety Standard for Electrical Installations published by the Canadian Standards Association is hereby adopted as part of this Bylaw, and a violation or contravention of the Code is a violation or contravention of this By-law.

3(2) Where in this By-law reference is made to a Rule or Section number, the reference shall be understood to mean that rule or section in the Code.

3(3) In the event of any conflict, explicit or implied, between the provisions set out in the Code and the provisions set out in this By-law, the provisions set out in this By-law shall prevail.

Application

4. No electrical wiring or electrical apparatus shall be installed nor electrical current used

except as provided in this By-law.

Authority

5(1) Designated employees may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

5(2) The details of any construction which are not specifically dealt within this By-law shall be performed to the satisfaction of a designated employee.

5(3) Designated employees are hereby authorized to determine whether equipment, techniques, conditions, circumstances and all other matters meet the standards and requirements of this By-law or are otherwise acceptable and, where in this By-law such terms as "proper", "adequate", "sufficient", "ample", "suitable", "substantial", "secure", "necessary", "dangerous" and the like or derivatives thereof, are used, they mean "proper", "adequate", "sufficient", "ample", "suitable", "substantial", "secure", "necessary", "dangerous" to the satisfaction or in the opinion of the designated employee, and such terms as "where practicable", "where required", "as far as possible" have a like significance.

Authority to conduct certain Electrical Inspections

6. Electrical inspections of one and two family dwellings, row housing and related structures and equipment may be carried out by inspectors who are employed by the City of Winnipeg and who

(a) hold an electrician's journeyperson Licence; or

(b) have successfully completed an inspection training program provided by

(i) the City of Winnipeg;
(ii) an educational institution approved by the Manager of Development and Inspections; or
(iii) a building code development, training and certification organization with a course content approved for the purpose of this section by the Manager of Development and Inspections.

Variations to the Code

7. The Code is varied by the provisions of Schedule "A" to this By-law, which is hereby incorporated into and forms part of this by-law.

Repeal of By-laws No. 7372/99, 7436/99 and 26/2003

8. The Winnipeg Electrical No. 36/2003 is hereby repealed.

Coming into effect

9. This By-law comes into effect on May 1, 2006.

DONE AND PASSED, in Council assembled, this day of , 2006.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property
and Development

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services

SCHEDULE "A"

TO

THE WINNIPEG ELECTRICAL BY-LAW NO. /2006

The 2006 Canadian Electrical Code, Part I, Twentieth Edition, C22.1- 02, Safety Standard for Electrical Installations published by the Canadian Standards Association is hereby varied as follows:

Variations to Section 0 of the Code
Object, Scope and Definitions

Definitions

Section 0 is varied by:

(a) striking out the following definitions:

Acceptable
Approved
Electrical Contractor
Inspection Department

(b) adding the following definitions in alphabetical order:

Acceptable *means acceptable to a designated employee.*

Accredited Field Evaluation Agency *means an agency that has been accredited by the Standards Council of Canada, in accordance with specific criteria, procedures and requirements, to operate on a continuing basis as a special inspection body for electrical equipment.*

Approved*, when used with reference to any electrical equipment means:*

(a) that the equipment has been certified by an accredited certification organization as

(i) meeting CSA standards; or,
(ii) where CSA Standards do not exist or are not applicable, other recognized standards; or

(b) alternatively, that the equipment :

(i) has been approved by the Minister of Labour of the Province of Manitoba or an accredited field evaluation agency after examining the equipment or a sample and finding that it conforms to the applicable standards for the equipment and presents no undue hazard to persons or property; and
(ii) is acceptable to the designated employee.;

(c)

City *means the City of Winnipeg.*

Construction *means the installation of electrical equipment in or about any building or premises and includes all electrical equipment installed;*

Designated employee *means the Manager of Development and Inspections of the Planning, Property and Development Department of the City of Winnipeg and any employee of the City to whom he or she has delegated authority to administer or enforce all or part of this Code;*

Electrical contractor *means an individual to whom an Electrical Contractor's Licence has been issued.*

Examining Committee *means the committee established pursuant to Rule 2-006(5).*

Inspection Department *means the Electrical Section of the Commercial Inspections Branch and the Housing Inspections Branch of the Development and Inspections Division of the Planning, Property and Development Department of the City of Winnipeg.*

Licence *means an electrical contractor's licence as provided for in this Code.*

Owner *means a person or the agent, servant or employee of a person who owns, manages or is in possession of land or a building to which this By-law applies, or who is in receipt of the whole or a part of any rents or profits therefrom, whether the rents and profits are received on the person's own account, or as agent or trustee for another person.*

Person *includes an individual, corporation, partnership, firm or entity.*

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 includes but is not limited to buildings, walls, fences, signs, billboards, poster panels, light standards, and swimming pools.*

Variations to Section 2 of the Code

GENERAL RULES

Administrative

Section 2 is varied by striking out Rules 2-000 to 2-032 and substituting the following:

ADMINISTRATIVE

2-000 Duty of Owner Regarding Design and Inspection
The owner shall appoint a Professional Engineer entitled to practice in the Province of Manitoba to be responsible for the preparation of electrical drawings, supervision of the electrical installation and certification that the installation has been installed in accordance with the applicable by-laws, on the following types of electrical installations:

(a) High Voltage;

(b) Buildings referred to in Sentence 2.1.2.1.(1) of the Manitoba Building Code;

(c) Buildings where the electrical service requirements exceed 750 KVA;

(d) Power factor correction of electrical installations, other than individual motor applications; and

(e) Any other type of installation where it is considered necessary by the designated employee.

2-002 Engineer's Responsibility

(1) Where in the opinion of a designated employee, the character of the proposed construction requires technical knowledge for the preparation of drawings and specifications, as provided in Rule 2-000, the drawings and specifications shall be prepared and the construction inspected and certified by a Professional Engineer entitled to practice in the Province of Manitoba.

(2) Where Rule 2-000 applies, a designated employee shall not issue a Building Permit or, where a Building Permit is not required, an Electrical Permit, until the responsible Professional Engineer has submitted a certificate to the designated employee setting out his/her responsibility for the preparation of drawings and specifications and for the inspection of construction to ensure conformity with the accepted plans and specifications and the applicable Sections of the By-law.

(3) Before a Building Occupancy Permit is issued or, where a Building Occupancy Permit is not required, upon completion of the construction, the responsible Professional Engineer shall submit a certificate to the designated employee stating:

> *"I hereby certify that I have inspected the construction of the electrical facilities on the subject project and that, to the best of my knowledge, the electrical facilities of this project were constructed in accordance with the accepted plans and specifications and the requirements of the Winnipeg Electrical By-law and the Winnipeg Building By-law."*

(4) The responsible Professional Engineer shall sign and seal all the documents referred to in this Rule.

2-004 Electrical Permit

(1) Subject to subrule (2), no person shall commence electrical construction or permit commencement of electrical construction until an electrical permit for the construction has been issued by the designated employee and no construction, connection, reconnection, alteration, repair or extension of any electrical installation may take place prior to an electrical permit being issued by the Designated employee for that construction.

(2) Notwithstanding subrule (1), if

(a) the electrical construction is within the category that is authorized to be done by the holder of a Voice Data Video Licence; and

(b) the electrical construction takes place in a single-family detached house;

no permit is required.

(3) A Designated employee shall issue an electrical permit only

(a) to a person who holds an Electrical Contractor's Licence authorizing him or her to carry on his occupation, trade or business in the City of Winnipeg; or

(b) to an individual to do construction on a single dwelling owned by him or her and occupied by him or her as his domestic domicile provided that he or she has satisfied a designated employee that he or she is competent to perform such construction; or

(c) to an individual to do construction on a single dwelling owned by him or her which will be occupied by him or her upon completion as his domestic domicile

provided that he or she has satisfied a designated employee that he or she is competent to perform such construction.

(4) An electrical permit expires if construction is not commenced within six months from the date of issue of the permit and is not reasonably continued without interruption thereafter.

(5) A permit is void and all rights under the permit are terminated if the negotiable instrument used for payment of the permit fee is returned for any reason.

(6) All construction being carried out under an electrical permit issued prior to the effective date of this By-law shall:

(a) be completed in accordance with the previous By-law requirements and any special conditions described on the electrical permit and approved plans; and

(b) proceed at a satisfactory rate in the opinion of a designated employee.

(7) If the requirements set out in Subrule (6) are not met, a designated employee may cancel the electrical permit, in which case,

(a) a new electrical permit shall be obtained before construction may be continued and

(b) all construction undertaken under the authority of the new permit shall comply with the provisions of this Bylaw.

2-006 Annual Electrical Permit

(1) Notwithstanding section 2-004, a designated employee may issue an Annual Electrical Permit to an individual holding an Electrical Contractor's Licence "A" or "B" and the Permit must specify the particular site or sites to which it applies.

(2) Notwithstanding subsection 2-004(1), construction, connection, re-connection, alteration, repair or extension of an electrical installation may take place under the supervision and responsibility of the holder of an Annual Electrical Permit without the necessity of a permit being issued for the specific construction, connection, re-connection, alteration, repair or extension of an electrical installation.

(3) The designated employee may issue an Annual Electrical Permit subject to reasonable terms or conditions.

(4) An Annual Electrical Permit expires on the thirty-first day of December of the year in which it was issued.

(5) The designated employee may suspend, withdraw or refuse to re-issue an Annual Electrical Permit where

(a) the permit holder has failed to comply with the applicable codes and by-laws or the terms and conditions of the Annual Electrical Permit;

(b) the permit holder has failed to remit the permit fees applicable to the construction, connection, re-connection, alteration, repair or extension of an electrical installation that has taken place under the authority of the Annual Electrical Permit within the time set out in the Planning, Development and Building Fees By-law.

2-008 Electrical Contractor's Licences

(1) Except for a homeowner who has obtained a permit under paragraphs (b) or (c) of Rule 2-004(2), and subject to subrule 2-004(2), no person may place, install, maintain, repair or replace any electrical equipment in the City of Winnipeg unless the person is operating under the authority of an Electrical Contractor's Licence issued under this By-law.

(2) An Electrical Contractor's Licence may only be issued to an individual; in order for a corporation, partnership, governmental department or some other legal entity to operate as an Electrical Contractor, an employee or officer of the entity shall obtain for an Electrical Contractor's Licence on behalf of the entity.

(3) An individual applying for a licence, whether on his or her own behalf or on behalf of a legal entity, shall satisfy the licensing requirements and pay the established licensing and examination fees before being issued a licence.

(4) The holder of a licence, or an agent authorized in writing to do so on behalf of the licence holder, is eligible to obtain permits to perform electrical construction within the scope of the licence as follows:

- *(i) The holder of an Electrical Contractor's Licence "A" or his/her agent may obtain permits for any electrical construction governed by City of Winnipeg By-laws and The Electricians' Licence Act; and*
- *(ii) The holder of an Electrical Contractor's Licence "B" or his/her agent may obtain permits to install and maintain electrical facilities in premises owned, leased or managed by the corporation, firm, company or government department on behalf of whom the Licence is held as permitted by City of Winnipeg By-laws and The Electricians' Licence Act; and*
- *(iii) The holder of an Electrical Contractor's Licence "C" or his/her agent may obtain permits for limited electrical construction as authorized by this By-law and the Limited Specialized Trade Electrician's Licence issued under The Electricians' Licence Act; and*
- *(iv) The holder of an Electrical Contractor's Licence "D" or his/her agent may obtain permits to install and maintain electrical facilities on premises regulated by the Canada Electrical Safety Regulations of the Canada Labour Code.*

(5) In order to obtain a licence, an individual shall meet the following requirements:

- *(a) To qualify for an Electrical Contractor's Licence "A" the applicant shall:*
  - *(i) hold a valid, current Journeyman's Electrician's Licence as required by The Electrician's Licence Act ; and*
  - *(ii) have passed an examination set out by the Examining Committee;*
- *(b) To qualify for an Electrical Contractor's Licence "B", the applicant shall:*
  - *(i) hold a valid, current Journeyman Electrician's Licence as required by The Electrician's Licence Act ; and*
  - *(ii) have passed an examination set out by the Examining Committee;*

(c) To qualify for an Electrical Contractor's Licence "C", the applicant shall:

(i) hold a limited specialized trade electrician's Licence, issued under The Electrician's Licence Act ; and

(ii) have passed an examination set out by the Examining Committee;

(d) To qualify for an Electrical Contractor's Licence "D", the applicant shall be a qualified person, as defined in the Electrical Safety Regulations of the Canada Labour Code.

(6) An Examining Committee, consisting of the designated employee and any other person whom the designated employee may appoint, is hereby established with responsibility to:

(a) prescribe the subjects on which candidates for the Electrical Contractor's Licence shall be examined;

(b) prepare, organize and conduct or supervise the examination of the candidates; and

(c) report on the results of the examinations to the designated employee.

(7) Where an applicant fails to pass an examination set out by the Examining Committee on two successive occasions, he or she must complete a training course acceptable to the designated employee before being eligible to apply again for a licence.

(8) Every licence holder is responsible for construction carried out under the authority of a permit issued to him or her and, where an individual holds a licence on behalf of a corporation, partnership, governmental department or some other legal entity, the licence holder is responsible and may be prosecuted under this By-law for the activities of all individuals operating under that licence.

(9) Where it appears that a licence holder may have violated any provisions of this By-law or that construction carried on under the authority of a licence holder fails to meet the standards and requirements set out in this Code, the designated employee may hold a hearing to investigate the matter and may revoke or suspend any licence as a result of the hearing.

(10) Notwithstanding Subrule (9), the designated employee may immediately suspend a licence for a period of up to 30 days where it appears that the licence holder has violated this Bylaw in a way that endangers the life or health of an individual or endangers property but the designated employee must reinstate the licence after 30 days unless a hearing to investigate the matter provides justification to further suspend or to revoke the licence.

(11) Licences may not be transferred, sold or assigned.

(12) A licence may be issued for multiple years and terminates on December 31 of the year of its expiration.

(13) Electrical contractor's licences, terms and fees, including administrative fees for licences that are renewed after their expiry date, are set out in the Planning, Property and Development Fees By-law.

(14) Where an individual is unlicenced for more than 12 months, he or she must re-qualify for a licence under Subrule (5).

2-010 Electrical Permit Fees
The electrical permit fees are set out in the Planning, Development and Building Fees By-law.

2-012 Special Requirements
Requirements and standards in this Code that apply to particular types of installations are in addition to general requirements and standards in this Code and, in the event of a conflict between them, the requirements and standards that apply to particular types of installations shall prevail.

2-014 Inspection and Availability of work for inspection
(1) An electrical contractor is responsible for notifying the inspection department when construction is ready for inspection and shall do so at such time or times as will permit inspection being made before any construction or portion thereof is concealed.

(2) No electrical construction may be rendered inaccessible by lathing, boarding, or other building construction until it has been inspected and approved by a designated employee.

2-016 Plans and Specifications
(1) No person may begin construction on

(a) wiring installations of public buildings, industrial establishments, factories, and other buildings in which public safety is involved; or

(b) large light and power installations and the installation of apparatus such as generators, transformers, switchboards, large storage batteries, etc.; or

(c) other installations specified by the designated employee

until the designated employee has reviewed and accepted plans and specifications for the construction and an electrical permit has been issued.

(2) The owner is responsible for submitting the plans and specifications referred to in Subrule (1) in quantities required by the designated employee.

2-018 Connection
(1) No electrical installation, extension, alteration, or addition shall be connected or reconnected to any service or other source of electrical energy by a supply authority, electrical contractor, or other person, until the designated employee has issued an electrical permit and given authorization to make such connection or reconnection.

(2) Subrule (1) does not apply to Manitoba Hydro when it reconnects electrical power to a location where the service has been cut off for non-payment of bills or a change of occupant, provided there have been no alterations or additions to the installation subsequent to the last authorization.

2-020 Re-Inspection
The designated employee may re-inspect any installation if and when he or she considers such action to be necessary.

2-022 Use of Approved Equipment
(1) Electrical equipment used in electrical installations shall be approved, and shall be of a kind or type and rating approved for the specific purpose for which it is to be employed.

(2) No person may connect unapproved electrical equipment .

2-026 Withdrawal of Approval (See Appendix B)
The designated employee may withdraw approval of electrical equipment at any time if

(a) the equipment is of lesser quality than the sample on which approval was based;

(b) the conditions of use indicate that the equipment is not suitable; or

(c) the terms of the approval agreement are not being carried out.

2-028 Damage and Interference with Electrical Equipment
(1) No person shall damage any electrical installation or a component of an electrical installation.

(2) Unless prior permission has been obtained from the designated employee, no person shall cut, break or interfere with any lock or seal that has been placed on any electrical equipment by or at the direction of the designated employee.

(3) No person shall interfere with any electrical installation or component of an electrical installation except when, in the course of alterations or repairs to non-electrical equipment or structures, it is necessary to disconnect or move components of an electrical installation, it which case it is the responsibility of the person carrying out the alterations or repairs to ensure that the electrical installation is restored to a safe operating condition as soon as the progress of the alterations or repairs will permit.

2-030 Deviations or postponements
The designated employee may grant special permission to deviate from or postpone compliance with the requirements and standards of this Code where the deviation or postponement will not, in the opinion of the designated employee, jeopardize the safety of people or property and will permit substantial compliance with the objects of the requirement or standard, but such permission applies solely to the specific installation and circumstances for which it is granted.

2-032 Role of the Designated Employee
(1) The designated employee is responsible for the administration and enforcement of this Code and for these purposes he or she and all individuals to whom he or she has delegated authority to administer or enforce all or part of this Code have all the powers of a "designated employee" under The City of Winnipeg Charter.

(2) An order requiring that construction be stopped on a project shall set out the conditions under which the construction may be resumed.

(3) The designated employee shall accept any construction or condition that lawfully existed prior to the effective date of this By-law, so long as the construction or condition does not constitute an unsafe condition.

(4) The designated employee may refuse to issue an electrical permit or permits:

(a) whenever information submitted is inadequate to determine compliance with the provision of this By-law; or

(b) whenever incorrect information is submitted; or

(c) to any person who has failed to pay any fee or payment due and owing to the City of Winnipeg under this or the Planning, Development and Building Fees By-law; or

(d) if a violation of another By-law, standard, act or regulation could result from the electrical construction permitted by it; or

(e) if, in the case of an addition, alteration, repair or extension to any wiring system, in, on or through any building or place, the existing wiring is not in accordance with the provisions of this By-law.

(5) The designated employee may cancel any electrical permit if:

(a) in the opinion of the designated employee, the privileges granted by that permit are being misused; or

(b) any condition under which the permit was issued is not being observed; or

(c) the permit was issued in error; or

(d) the permit was issued on the basis of incorrect information; or

(e) in the opinion of the designated employee, the electrical construction is not proceeding at a satisfactory rate.

2-034 Duties of the Owner

(1) Every owner shall make or have made at his own expense such tests or inspections as are necessary to satisfy the designated employee that the equipment or action proposed complies with this By-law.

(2) When required by the designated employee, every owner shall uncover and replace at his own expense any construction that has been covered contrary to Rule 2-014.

(3) The owner shall maintain the electrical facilities associated with the property in a safe condition.

(4) When the electrical facilities on a property are in an unsafe condition, the owner shall immediately take all necessary action to put the building electrical facilities in a safe condition.

(5) The owner shall maintain in good working order all safeguards or devices that are required to be installed in the building by the Winnipeg Building By-law or this Code.

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

(7) When a "stop work" order is issued by a designated employee, the owner shall ensure that the person or persons to whom it is directed stops construction immediately, except for he installation or erection of covers or guards so as to be able to maintain the site in a safe condition.

(8) When required by the designated employee, every owner shall provide a letter to certify compliance with the requirements of this By-law and of any permits required.

(9) An owner shall ensure that electrical installations on his or her premises are not overloaded, defective or being misused.

(10) An owner shall remove or cause to be removed from the premises

(a) unsafe electrical appliances or wiring;

(b) dead or unused electrical wires or equipment that are or may become a hazard.

(11) An owner shall comply with orders made by a designated employee.

2-036 Duties of the Permit Holder

(1) Every permit holder shall ensure that all construction safety requirements of this By-law are complied with.

(2) Every permit holder shall ensure that all construction is carried out in accordance with this By-law and all provisions as described on the permit and accepted drawings.

(3) Every permit holder shall give notice to a designated employee:

(a) when construction is ready to be inspected prior to covering; and

(b) when construction has been completed so that a final inspection can be made.

(4) Every permit holder is jointly and severally responsible with the owner for any construction actually undertaken.

(5) When required by the designated employee, the permit holder shall provide a statutory declaration that the electrical installation was constructed in accordance to the accepted plans, specifications and requirements of the Winnipeg Electrical By-law and the Winnipeg Building By-law.

(6) When a "stop work" order is issued by a designated employee, a permit holder shall ensure that the construction ceases immediately, except for the installation or erection of covers or guards so as to be able to maintain the site in a safe condition.

(7) A permit holder shall comply with orders made by a designated employee.

2-038 Service of orders and other documents

Orders to remedy a contravention of this By-law or a decision made by the designated employee shall be served in accordance with The City of Winnipeg Charter and, where an address for sending an order or decision is required; one of the following shall be used:

(a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and

(b) if the person to be served is the occupant of real property, the street address for that property; and

(c) if the document to be served relates to a permit, licence or other document for which the person to be served has applied, the address provided by the person in the application.

2-040 Appeals

An appeal from an order to remedy a contravention of this By-law or a decision made by the designated employee may be made to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter.

Variations to Section 2 of the Code

GENERAL RULES

Maintenance and Operations

2-306 Shock and Flash Protection

Section 2 of the Code is varied by deleting Rule 2-036.

Variations to Section 6 of the Code

SERVICES AND SERVICE EQUIPMENT

Control and Protective Equipment

6-206 Consumer's Service Equipment Location

Rule 6-206 is amended by striking out Paragraphs (1)(d) and (e) and substituting the following:

(d) Permitted to be placed on the outside of the building or on a pole and shall be:

(i) Protected from the weather or be weatherproof; and
(ii) Protected from mechanical injury if less than 2m above ground; and

(e) Except for paragraph (1)(d), as close as practicable to the point where the consumer's service conductors enter the building.

Metering Equipment

6-400 Metering Equipment

Section 6 of the Code is varied by renumbering the present Rule 6-400 as Subrule 6-400(1) and by adding the following Subrule immediately after it:

(2) For determining the type of metering equipment required by the Supply Authority, reference shall be made to Supply Authority Metering Standards which shall be amendatory or additional to Rules 6-402 to 6-412 inclusive.

Variations to Section 10 of the Code

GROUNDING AND BONDING

Grounding Electrodes

10-700 Grounding Electrodes

Section 10 of the Code is varied by striking out Item 10- 700(2)(a) and substituting the following:

(a) in the case of rod grounding electrodes (except for a chemically charged rod electrode where only one need to be installed),

(i) consist of 2 copper-clad rod electrodes;
(ii) be not less 15.8mm in diameter;

(iii) be spaced no less than 3 m apart;
(iv) be bonded together with a grounding conductor sized in accordance with Table 17; and
(v) be driven to the full length of the rod; or

Variations to Section 12 of the Code

WIRING METHODS

Exposed Wiring on Exteriors of Buildings and Between Buildings on the Same Premises

12-300 Exterior Exposed Wiring Rules

Section 12 of the Code is varied by renumbering the existing Rule 12-300 as Subrule 12-300(1) and by adding the following Subrule immediately after it:

(2) Exposed overhead wiring on the exteriors of buildings and between buildings or structures on the same premises shall not be permitted, except by special permission from the designated employee.

Cable Trays

12-2208 Provisions for Bonding

Section 12 of the Code is varied by striking out Subrules 12-2208(1) and (2) and substituting the following:

(1) Metal cable trays shall be adequately bonded at intervals not exceeding 15 m and the size of bonding conductors shall be based on the ampacity of the largest ungrounded conductor in the circuits or equivalent for multiple parallel conductors carried by the cable tray in accordance with the requirements of Rule 10-814.

Variations to Section 26 of the Code

INSTALLATION OF ELECTRICAL EQUIPMENT

General

26-008 Sprinklered Equipment

Section 26 of the Code is varied by striking out Rule 26-008 and substituting the following:

Electrical service and distribution equipment with ventilation openings located in sprinklered buildings or spaces shall be protected where needed by non-combustible hoods or shields so arranged as to minimize interference with the sprinkler equipment.

Receptacles

26-700 General

Section 26 of the Code is varied by adding the following Subrule to Rule 26-700:

(12) Where a sump pump is required by the Winnipeg Building By-law for the control of water from a subsurface drainage (weeping tile) system:

(a) A receptacle shall be installed for the connection of the sump pump; and

(b) The receptacle for the sump pump shall be supplied from a branch circuit that supplies no other outlets or equipment.

Receptacles in Residential Occupancies

26-714 Receptacles in Single Dwellings

Section 26 of the Code is varied by adding the following Item to Rule 26-714*:*

(c) At least one receptacle shall be provided for each driveway.

26-724 Branch circuits for single dwellings

Section 26 of the Code is varied by adding the following Item to Rule 26-724:

(c) At least one branch circuit shall be provided solely for receptacle(s) for the driveway in accordance with 26-714(c).

Variations to Section 30 of the Code

INSTALLATION OF LIGHTING EQUIPMENT

Installation of Lighting Equipment

30-308 Circuit Connections

Section 30 of the Code is varied by deleting Subrule 30-308(4)

Luminaries in Buildings of Residential Occupancy

30-504 Stairways

Section 30 of the Code is varied by adding the following Subrule to Rule 30-504:

(4) Notwithstanding Subrule (3) and Appendix G, provision for 3-way switches shall be installed for stairway lighting to basements.

Variations to Section 46 of the Code

EMERGENCY SYSTEMS, UNIT EQUIPMENT, AND EXIT SIGNS

General

46-108 Method of Wiring

Section 46 of the Code is varied by deleting Subrule 46-108(2) and substituting the following:

(2) Conductors installed in buildings of combustible construction in accordance with the Rules of Section 12 shall be:

(a) Non-metallic Sheathed cable; or

(b) Installed in totally enclosed non-metallic raceway.

Variations to Section 60 of the Code

ELECTRICAL COMMUNICATION SYSTEMS

Outside Conductors

60-500 Overhead Conductors on Poles

Section 60 of the Code is varied by renumbering Rule 60-500 as Subrule 60-500(1) and adding the following Subrule immediately after it:

(1) Exposed overhead wiring on the exteriors of buildings and between buildings or structures on the same premises shall not be permitted, except by special permission from the designated employee.

Variations to Section 76 of the Code

TEMPORARY WIRING

Section 76 of the Code is varied by deleting Rule 76-008 and substituting the following:

76-008 Service Entrance Equipment

(1) Service entrance equipment shall be permitted to be in a temporary building adjacent to the construction or demolition site but if such a building is not available the equipment shall be:

(a) Accessible to authorized persons only; and

(b) Capable of being locked; and

(c) Protected against the weather and mechanical damage.

(2) If not in or on a building, the temporary service shall be mounted:

(a) On a pole, or solid wood post measuring at least 89 mm X 140 mm nominal and adequately braced for overhead and underground services not exceeding 200 amperes; or

(b) On a substantial pole structure for services exceeding 200 amperes.