Agenda - Executive Policy Committee - December 4, 2002

7. Implementation of The City of Winnipeg Charter
File GL-5.1 (Vol. 45)

ADMINISTRATIVE RECOMMENDATION:

That Council enact the Charter Implementation By-law and the following "stand alone" by-laws:

- Tax Sale Penalty By-law
- Records Management By-law
- Official Languages By-law
- Execution of Standard Rental Agreements for Recreation Facilities By-law
- Tree Trimming By-law
- Untidy Premises By-law

Re: **Implementation of *The City of Winnipeg Charter***

For submission to: **Executive Policy Committee**

Submitted by: **City Solicitor/Manager of Legal Services**

Report date: **November 20, 2002**

Recommendation(s): That Council enact the Charter Implementation By-law and the following "stand alone" by-laws:

- Tax Sale Penalty By-law
- Records Management By-law
- Official Languages By-law
- Execution of Standard Rental Agreements for Recreation Facilities By-law
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- Untidy Premises By-law

Report Summary

Key Issues:

- *The City of Winnipeg Charter* was enacted in August, 2002 and comes into effect on January 1, 2003.

- This package of by-law amendments will bring the majority of the city's by-laws into compliance with the *Charter.*

Implications of the Recommendation(s):

General Implications

ð None

x For the organization overall and/or for other departments

ð For the community and/or organizations external to the City of Winnipeg

ð Involves a multi-year contract

Comment:

Policy implications

X No

Yes

Comment:

Financial Implications

X Within approved current and/or capital budget

ð Current and/or capital budget adjustment required

Comment:

Report

Recommendation(s):

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- Records Management By-law
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- Execution of Standard Rental Agreements for Recreation Facilities By-law
- Tree Trimming By-law
- Untidy Premises By-law

Reason for the report:

The by-laws discussed in this report must be enacted by Council at its meeting of December 11, 2002, in order to be in place by January 1, 2003, the date *The City of Winnipeg Charter* comes into effect.

History:

The City of Winnipeg Charter was enacted by the Province of Manitoba in August, 2002. The *Charter* will replace the existing *City of Winnipeg Act* (CWA) when it comes into effect on January 1, 2003. Since the *Charter* was enacted, Legal Services and the CAO Secretariat have met with many of the Departments to provide information regarding the *Charter* and to identify by-law amendments and operational changes that are required in order to achieve transition to the new legislation. The *Charter* has also necessitated education and training at every level of the organization*;* that process has begun and will be an on-going activity.

Discussion:

The *Charter* features some significant enhancements of the City's powers, and grants greater flexibility for the City in responding to a changing world. Of more immediate concern, however, is the need to identify by-law amendments and changes in the City's operational practices that are necessary or desirable to implement prior to year-end in order to achieve an orderly transition to the new legislation. The package of amendments that are recommended in this report are the result of an extensive analysis

of the impact of the Charter upon existing City by-laws which was conducted by Legal Services in consultation with the various civic departments.

The *Charter* represents a significant streamlining through standardization of the rules for many procedural matters. The result of this streamlining is that by-laws, which had been developed in conformity with the requirements of the CWA, need to be changed to reflect the new requirements. This is the primary purpose of the by-law amendments addressed in this report.

The task of reviewing all of the by-laws currently governing the City's operations – more than 200 in total – also revealed certain anomalies and anachronisms in the by-laws. While not intending to engage in a substantive review or overhaul of these by-laws, Legal Services staff have taken the opportunity to correct these anomalies as part of this process. For example, references to Commissioners, the Board of Commissioners and to non-existent Council committees have been updated. Outdated and unused by-laws – some dating back as far as 1899 - are being repealed. The list of repealed by-laws and the reason for their repeal may be found in Appendix "A".

Finally, review of the by-laws revealed various opportunities to make common-sense improvements in consultation with City departments responsible for their administration and to make drafting improvements. Appendix "B" to this report sets out changes to by-laws that are substantive, were not necessitated by the Charter and are not encompassed by the categories set out in this Report.

In some cases, it made more sense to draft a completely new by-law rather than attempt to amend the existing one. Some of the "stand alone" by-laws in this package fall into this category.

The by-laws recommended by this report contain several standard types of amendments.

1. <u>Urgent, High Priority Amendments</u>

There are a number of by-laws that must be amended in order to fill substantive or procedural vacuums created by the withdrawal of detailed, prescriptive provisions in the CWA. These include, for example, provision of the 10% penalty imposed upon property that is sold in tax sale (which was previously imposed under the CWA), setting out methods of determining an address to which orders and decisions can be mailed, designation of appeal bodies to hear appeals that are mandated by the *Charter*, and continuation of the Board of Adjustment until such time as Council has an opportunity to consider whether, and in what form, it wishes to implement a Planning Commission.

2. References to the CWA, to Outdated Committees and Employee Positions

All references to the old *City of Winnipeg Act*, including references in preambles to empowering sections of that Act, are being repealed. References to commissioners, outdated committees of Council and employee positions that no longer exist are being replaced by references to the employees or committees that are actually carrying out the function. Where a change in the status quo is proposed, this is noted in Appendix "B" to this report.

3. Standardization

As noted, *The City of Winnipeg Charter* standardizes many of the procedural and other matters that had previously been different for a variety of services and activities.

As part of the review process, it was necessary to identify those by-law provisions that are inconsistent with the standardized procedures contained in the *Charter*. In most cases, the by-law provisions can simply be repealed with the result that employees having responsibility for administering the by-law will apply the relevant provisions of the *Charter*. In order to assist members of Council, civic employees and members of the public who will need to refer to the relevant Charter provisions that relate to particular by-laws, arrangements are being made with the City Clerk to include the relevant Charter provisions in the unofficial By-law Consolidations through footnoting and attachment of appendices.

The key areas of standardization are:

- powers available to "designated employees",
- procedures when issuing and the effect of compliance orders,
- notice of orders and decisions,
- notice of hearings,
- appeals,
- hearing procedures, and
- definitions.

(a) Powers available to "designated employees": The *Charter* grants powers to "designated employees", defined as employees of the City who have been designated by Council to carry out a responsibility. The powers automatically conferred by the *Charter* upon designated employees include

- entry to lands or buildings in order to enforce a by-law
- issuing orders requiring by-law compliance within a specified period of time
- carrying out an order at a person's expense if the person to whom the order is directed fails to appeal it and fails to comply with it.

In order to access these powers, the amendments identify a “designated employee” responsible for administering and enforcing each by-law. The employee “designated” in a by-law may delegate that power to other employees in the absence of an express statement restricting further delegation.

(b) Procedures when issuing and the effect of compliance orders: As noted, “designated employees” have authority to issue orders requiring persons responsible for complying with a by-law to do so within a specified period of time. The *Charter* sets out standard powers associated with compliance orders, including

- the authority to register them against the title with the Land Titles Office,
- the authority to take immediate action in an emergency,
- the power to recover costs incurred in taking remedial action or acting in an emergency, including the authority to add the costs to the real property taxes.

(c) Notice of orders and decisions: The *Charter* provides that, as a rule, orders and decisions must be served by

- personal service or
- sending a copy of it by registered mail, delivery, fax or some other means by which it may be confirmed that it has been sent to the person at an address to be determined in accordance with a by-law.

Three basic methods of determining an address have been used in the by-law amendments:

- where the person to be served has provided an address as part of an application, that address may be used;
- 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 may be used; and
- if the person to be served is the occupant of real property, the street address for that property may be used.

(d) Notice of hearings: The *Charter* also standardizes the forms and time frames for notices to be given for hearings required by the *Charter*. As a rule, publication in a newspaper is required. However, where a designated employee determines that a hearing involves a specific building or land, notice may be given by posting the property.

(e) Appeals: Aside from any appeals that the City grants on its own accord, the *Charter* sets out that an appeal must be available for

- orders to remedy a contravention of a by-law;
- decisions of the Winnipeg Building Commission or a planning commission; and
- orders or decisions of designated employees with respect to issuing, suspending or cancelling a licence, permit, approval or consent.

Some existing by-laws do not provide for appeals for these items. In these cases, the amending provisions identify an appropriate standing policy committee as having responsibility for hearing the appeals. The identification of a particular standing policy committee to hear an appeal is noted in Appendix "B".

The *Charter* sets out a standard appeal process. For example, a decision or order that is capable of being appealed must set out details of the appeal procedure. The time limit for appealing a compliance order is the time given in the order for compliance or 14 days after service, whichever is less, unless the by-law permits a longer appeal period.

(f) Hearing procedures: Whether at the point of an initial decision or upon appeal, the *Charter* sets out procedural requirements and powers of hearing bodies. Some of these will be available only if set out in a by-law. The proposed Procedure By-law will grant the following powers to every hearing body:

- the power to establish reasonable time limits for presentations, questions or objections,
- the authority to decline to hear presentations, questions or objections where the matter has already been adequately addressed,
- the power to determine which of several similar presentations to hear,
- authority to expel individuals for disruptive conduct and
- power to adjourn hearings.

Note that amendments to the Procedure By-law are being submitted through a separate report, as those amendments require review by the Secretariat Committee.

(g) Definitions: The effect of recent changes in the provincial *Interpretation Act* is that terms that are defined in the *Charter* have that same meaning in all by-laws enacted under the *Charter*. The result is that, if a term that has previously been defined in a certain way for use in a particular by-law is now defined in the *Charter,* its meaning could have changed in key respects. One of the major functions of this exercise has been to ensure that, where the definitions in the *Charter* are not appropriate for a by-

law, new definitions have been created to ensure that the by-law continues to be effective and enforceable.

4. Drafting Protocols

In order to ensure more consistency and uniformity in City by-laws, the amendments to the by-laws are based on drafting protocols developed by Legal Services in consultation with the City Clerk and other departments. These include the following:

- where a by-law lacks a title, one is being provided;
- cross references within the various by-laws will be made by title;
- enabling provisions are not included within the preambles of by-laws;
- where a power has been given or requirement has been set out in the *Charter*, it is not usually replicated in the by-law. Instead, the by-law will note that compliance with the *Charter* is required. As noted above, the relevant provisions of the *Charter* will be footnoted unofficially and attached as appendices in the consolidated version of the By-law;
- The Charter Implementation By-law has been prepared in a somewhat different format as a pilot project. Additions to and deletions from the existing by-laws have been highlighted in a manner similar to that used in Provincial legislation in order to assist in the consolidation process.

5. Next steps:

A number of by-laws that require extensive technical revisions will be completely redrafted and will be brought forward to Council in 2003. These are expected to include the following, amongst others:

- Electrical By-law
- Solid Waste By-law
- Waterworks By-law
- Streets By-law
- Traffic By-law
- Animal Control By-law
- Cemeteries By-law
- Derelict Vehicle By-law

In addition, further by-law amendments will, of course, be required in order to implement enhancements provided in the *Charter*. These amendments will proceed as proposals are developed by the various departments in accordance with direction provided by Council.

This Report Submitted By:

Department:	Corporate Services
Division:	Legal Services
Prepared by:	Harold Dick

LIST OF REPEALED BY-LAWS
SCHEDULE "A"

Penalties By-law (No. 1630) (1899)
- outdated

By-law No. 4922 (Spitting) (1907)
- the substantive offence is being added to the Anti-Litter By-law

By-law No. 9872 (Mortgages and Housing) (1919)
- outdated

By-law No. 15516 (Burials) (1942)
- outdated

By-law No. 16286 (Hotels) (1948)
- outdated

By-law No. 16382 (Objectionable Smoke and Dust) (1948)
- outdated

By-law No. 16676 (Interpretation) (1950)
- outdated

By-law No. 19793 (Health) (1971)
- superseded by the Incinerator By-law No. 1979/78

By-law No. 48/72 (Settlement and discharges of social assistance liens)
- irrelevant since the Province assumed responsibility for providing social assistance

By-law No. 430/73 (Custody of Land Titles Deeds)
- no longer a requirement for a by-law to designate who has custody of the City's land titles deeds. This can now be done administratively.

Barber Shops (early closing) By-law No. 658/74
- the relevant provincial legislation was amended some time ago and by-law is not enforced in any event.

By-law No. 762/74 (Untidy and Unsightly Premises)
- repealed and replaced with a new "Unsightly Premises By-law"

By-law No. 864/75 (Tree trimming)
- repealed and replaced with a new "Tree Trimming By-law"

By-law 2690/80 (Bakeries)

- now part of Food Services Establishment By-law

By-law No. 3344/83 (Execution of Rental Agreements for Recreational Facilities)

- replaced with new by-law updating of positions which can sign rental agreements

By-law No. 3702/84 (Zoning requirements for satellite dishes)

- outdated

By-law No. 3862/84 (appointment of Board of Revision for 1984)

- outdated

Retail Food Stores By-law No. 3897/85

- now part of Food Services Establishment By-law

By-law No. 4322/86 (Police Service Members)

- outdated

By-law No. 5392/90 (1990 real property tax phase-in)

- outdated

By-law No. 6162/93 (Municipal assistance)

- irrelevant since the Province assumed responsibility for providing social assistance

By-law No. 6229/93 (1993 business tax phase-in)

- outdated

Home Renovation Tax Assistance Program By-laws (6544/94, 6927/96, 6930/96, 7230/98, 7653/2000)

- programs are expired and no appeals are pending

Documents By-law No. 6875/96

- replaced with a new Records Management By-law that makes definitions consistent with those in new Charter and changes the membership of the Records Committee to be consistent with the new Charter

New Dwellings Tax Assistance By-laws (7076/97, 7199/98)

- programs expired and no appeals are pending

Official Languages By-law No. 7490/99

- replaced with a new by-law containing amendments prompted by the *Charter* and updating the address of the office in historic St. Boniface and names of Civic Departments

LIST OF SUBSTANTIVE AMENDMENTS
SCHEDULE "B"

Minimum Standards of Housing Repair By-law No. 19165

- Appeal to Protection and Community Services Committee rather than the Better Housing Commission.

Heating By-law No. 19791

- Designates Standing Policy Committee on Protection and Community Services as appeal body.

Unsightly Premises (new by-law)

- Old subjective definitions of "untidy" and "unsightly" replaced by objective standards of maintenance.
- Also includes a new requirement permitted by Charter that owners and occupants must maintain premises so that they do not "substantially depreciate the value of other land and buildings in the vicinity.
- Still administered by Directors of Community Services and Planning, Property and Development.

Cheque Signing Authority By-law No. 838/74

- As per *Charter* requirement, amended to specify the number of designated employees who must sign cheques (2 people must sign); no change from *status quo.*

Tree Trimming (new by-law)

- Creates an offence and provides for notice of entry to ensure that it remains possible legally to enter private property to trim trees that are interfering with City works or equipment.
- Designates Standing Policy Committee on Public Works as appeal body.

Anti-Litter By-law No. 1075/75

- Incorporates the anti-spitting provisions of a 1907 by-law.
- Replaces awkward and lengthy provisions re. obligation of vendors of "take out" foods with a provision that borrows language directly from the *Charter*; no change in practical effect.

Fire Prevention By-law No. 1322/76

- Authority to enforce and appoint enforcement officers given to Fire and Paramedic Chief (rather than split between the Chief and the Manager of Development and Inspections of PP&D); change approved by both departments.

Streets By-law No. 1481/77

- Amended to have Corporate Risk Manager, not City Solicitor, approve issuance policies required under these by-laws.
- Designates Standing Policy Committee on Public Works as appeal body.

Incinerator By-law No. 1979/78

- Designates Standing Policy Committee on Public Works as appeal body.

Firearms By-law No. 2890/81

- Designates Standing Policy Committee on Protection and Community Services as appeal body.

Milk and Dairy Products By-law No. 3218/83

- Public health inspectors are designated to enforce by-law, but they cannot further delegate this power.

Claims Settlement By-law No. 3349/83

- Withdrawal of references to General Manager of Hydro.

Meat and Poultry By-law No. 3354/83

- Public health inspectors are designated to enforce by-law, but they cannot further delegate this power.

Demolition Permits in Residential Areas By-law No. 4665/87

- Provides more details on the existing process of applying to community committee to obtain exemptions from the by-law.
- Provides that only those people who made representations and provided their addresses for service to the Community Committee will be given a copy of the committee's decision and will be entitled to appeal the decision.

Winnipeg Building By-law No. 4555/87

- Language reworked to make By-law clearer without altering the meaning substantively (for example, sections 2.2, 3.3, 9.5, 9.6, 12.1). These changes have been cleared with departmental staff.

Tattoo Studio By-law No. 4653/87

- Designates Standing Policy Committee on Protection and Community Services as appeal body.
- New provisions for emergency closures are included.

Maintenance and Occupancy 4903/88

- Provides that only those people who made representations and provided their addresses for service to the Community Committee will be given a copy of the committee's decision and will be entitled to appeal the decision.

Food Services Establishment By-law No. 5160/89

- Public health inspectors are designated to enforce by-law, but they cannot further delegate this power.
- Provisions added to deal with emergency closings and destruction of food
- Designates Standing Policy Committee on Protection and Community Services as appeal body.

Tax Penalty By-law No. 5796/91

- Provides that the due date and penalties for real property taxes also apply to personal property taxes in order to reflect the requirement under the *Charter* that the City prepare a personal property tax roll.

Tax Sale Penalty By-law (new by-law to replace No. 5799/91)

- Provides that a 10% penalty is added to taxes when property is sold in tax sale. (The City of Winnipeg Act imposed this penalty; the *Charter* enables the city to impose such a penalty by by-law, and enactment of a by-law is required prior to January 1st, 2003 in order for the city to continue to impose this penalty.)

Waterways By-law No. 5888/92

- Provides for new maximum penalty of $50,000.00 and minimum penalties of $1,000.00 for a first offence, $2,5000.00 for the second and 5,000.00 for the third.

Boulevard Maintenance No. 5895/92

- New provision imposes an objective requirement that grass and other ground vegetation on boulevards must be kept trimmed to a length of not more than 25 cm (10 inches).
- Designates Standing Policy Committee on Public Works as appeal body.

Bio-medical Waste Sharps By-law No. 6001/92

- Expands on procedures for hearings for suspension or revocations of permits
- Designates Standing Policy Committee on Public Works as appeal body.

X-Rated Store Zoning By-law No. 6087/93

- Designates Standing Policy Committee on Property and Development as appeal body.

Refund of Excess Gas Tax By-law No. 6490/94

- Designates Standing Committee on Fiscal Issues as appeal body.

Licence By-law (No. 6551/95)

- Designates Standing Policy Committee on Property and Development as "default" appeal body for any appeals arising from the operation of the By-law

that are not otherwise assigned. It is expected that a Report outlining various alternatives to this system will be forthcoming early in the new year.

Frozen Waterways By-law No. 6581/95

- new maximum penalty of $50,000.00 and minimum penalties of $1,000.00 for a first offence, $2,5000.00 for the second and 5,000.00 for the third.
- Designates Standing Policy Committee on Protection and Community Services as appeal body.

Sewer By-law No. 7070/97

- amended to have Corporate Risk Manager, not City Solicitor, approve issuance policies required under these by-laws.
- new maximum penalty of $50,000.00 and minimum penalties of $1,000.00 for a first offence, $2,5000.00 for the second and 5,000.00 for the third.

City Organization By-law No. 7100/97

- Repeals references to administrative units and employees that no longer apply (eg. Social Services, Winnipeg Hydro, Ombudsman).
- Provides EPC with authority to approve awards of contracts relating to those departments that report through it, in accordance with existing council policy. (This gives EPC comparable authority to that exercised by the various Standing Policy Committees in relation to those departments that report through them.)
- Authorizes the City Clerk to prepare consolidations of by-laws that can then be adopted by resolution of Council for official use pursuant to s.56 of the *Charter*.
- Establishes the reporting requirements to be used by the CFO on the issue and sale of city securities as required by s. 299(1) of the *Charter*.
- Consistent with the budget approval process used by the City in recent years, the requirement for Community Committee review of the current operating budgets, capital budgets and five year capital expenditure programs has been removed.

Execution of Documents By-law No. 7367/99

- As per *Charter* requirements the by-law specifies the number of designated employees who must sign documents, instruments or agreements; no change from status quo.
- Permits the Manager of Materials to sign documents, instruments or agreements for maintenance services for software as well as equipment.

Raffle Lottery Licence By-law No. 7470/99

- Designates Standing Policy Committee on Property and Development as appeal body.

Secondary Dykes No. 7600/2000

- Previously, secondary dykes corridors had to be kept free of trees and the construction of permanent, attached structures in these corridors required a

permit. The amendments contain an explicit provision prohibiting non-permitted permanent, attached structures in secondary dyke corridors.

Winnipeg Police Service Regulation By-law No. 7610/2000

- The Chief of Human Resources and Corporate Services is added as a member of the committee hearing appeals.

Vacant Dwellings 7983/2002

- Amendments permit entry to land without notice to owner to determine whether dwelling is vacant and whether it complies with the By-law.
- Before securing an unsecured vacant dwelling, entry would be allowed to the dwelling without notice to owner to ensure that animals and people are not trapped when building is secured.

DRAFT

CITY OF WINNIPEG

BY-LAW NO.

A By-law of The City of Winnipeg to update certain existing by-laws and achieve consistency with *The City of Winnipeg Charter*.

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

1. Title

This by-law shall be referred to as the Charter Implementation By-law.

2. By-law No. 1630

By-law No. 1630 is repealed.

3. By-law No. 4911

By-law No. 4911 is repealed.

4. By-law No. 9872

By-law No. 9872 is repealed.

5. By-law No. 15516

By-law No. 15516 is repealed

6. By-law No. 16286

The Hotel By-law No. 16286 is repealed.

7. By-law No. 16382

By-law No. 16382 is repealed.

8. By-law No. 16676

The Interpretation By-law No. 16676 is repealed.

9. By-law No. 19165

The Minimum Standards of Housing Repair By-law No. 19165 is amended

(a) in section 2,

(i) by repealing the definitions ***"building"***, and "***Committee***";

(ii) by adding the following definition in alphabetical order:

"Committee" *means the Standing Policy Committee on Protection and Community Services*;

(b) by adding the following after section 2:

SCOPE OF BY-LAW

2.1 The requirements of this By-law with respect to buildings apply only to residential buildings and to accessory buildings.

(c) repealing sections 8, 9, and 10 and substituting the following:

8 Enforcement officers 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.

9(1) An order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

9(2) Where an address for service must be determined, it shall be done as follows:

(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 may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

10 An appeal from an order to remedy a contravention of this By-law may be made to the Standing Policy Committee on Protection and Community Services in accordance with The City of Winnipeg Charter.

(d) by repealing subsection 11(2);

(e) by repealing Schedule "A" to the by-law.

10. By-law No. 19791

The Winnipeg Heating By-law No. 19791 is amended

(a) by repealing the first paragraph of the preamble;

(b) by renumbering section 4 as section 7 and adding the following after section 3:

3 The Director of Community Services for the City of Winnipeg and his/her delegates 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.

4. Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

5. Where an address for service must be determined, it shall be done as follows:

(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 may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

6. An appeal from an order to remedy a contravention of this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Protection and Community Services.

11. By-law No. 19793

By-law No. 19793 is hereby repealed.

12. By-law No. 48/72

By-law No. 48/72 is repealed

13. By-law No. 98/72

The Local Improvement Regulation By-law No. 98/72 is amended

(a) in subsection 2(1)

(i) by striking out the definition "Act" and substituting ***"'Charter' means The City of Winnipeg Charter";***

(i) in the definition "flankage" by striking "*side*" and substituting "*boundary*" and by adding after "which" the following: "*fronts or*";

(ii) in the definition "frontage" in (i) by striking out "*side*" and substituting "*boundary*" and by striking out "*lot that*" and substituting "*lot that fronts or*", in (ii) by striking out "*side*" and substituting "*boundary*", and in (iii) by striking out "*sides*" and substituting "*boundaries*";

(iii) in the definition of "lot", by striking out "*means any piece or parcel of land in one holding*" and substituting "*means parcel as that word is defined in the Charter*";

(iv) in the definition of "work" by striking out "*means work or services which may be undertaken as a local improvement in pursuance of the Act and includes the reconstructing or renewing of any such works" and substituting "means works or services which may be undertaken as local improvements under the Charter and includes the reconstructing or renewing of any such works*".

(b) by adding the following after subsection 2(1):

2(2) For the purposes of determining the sufficiency of petitions proposing local improvements and of objections to proposed local improvements the total real property benefited shall be based on the total length of the boundary of the real property benefited that fronts or abuts any portion of the local improvement.

(c) by adding the following after subsection 2(2):

2(3) Except as otherwise provided by by-law, the real property benefited for the purpose of levying and imposing local improvement taxes for the following classes of local improvements:

(i) concrete walks
(ii) boulevards
(iii) boulevards constructed in conjunction with pavements
(iv) wastewater sewers
(v) land drainage sewers
(vi) combined sewers
(vii) watermains
(viii) ornamental street lighting
(ix) wood pole lane lighting
(x) standard pavements
(xi) granular surface roadways
(xii) oiled surface roadways
(xiii) asphalt road surfaces

shall be based on the length of the boundary that fronts or abuts any portion of the local improvement, taking into account any allowances provided by by-law.

(d) by striking out "*POOLED COSTS RATED FOR CERTAIN IMPROVEMENTS*" and substituting "*UNIFORM RATES FOR CERTAIN CLASSES OF LOCAL IMPROVEMENTS*";

(e) by repealing Section 3 and substituting:

3.1 <u>CONCRETE WALKS</u>

Whenever a concrete walk is constructed in any area of the City as a local improvement, the rate for calculating the local improvement taxes shall be a uniform rate per square meter per meter of frontage, taking into account any allowances provided by by-law, and based on the cost of constructing all concrete walks in the City in the year in which the work is done and shall be levied and imposed as follows:

(i) where the work involves the construction of the first walk in the subject street, the total cost of that walk and any second walk shall be levied against the lots fronting on both sides of the street, and

(ii) where there is an existing walk on one side of the subject street, the cost of which has been levied against the lots fronting on that side only, the

total cost of any second walk shall be levied against the lots fronting on that side of the street on which it is constructed.

3.2 BOULEVARDS

Whenever a boulevard is constructed as a local improvement, the rate for calculating the local improvement taxes shall be a uniform rate per square meter of boulevard based on the cost of constructing all boulevards in the City in the year in which the work is done, and the total cost of constructing each boulevard shall be levied against the lots fronting on that side of the street on which the boulevard is constructed at a uniform rate per square meter according to the frontage, taking into account any allowances provided by by-law.

3.3 BOULEVARDS CONSTRUCTED IN CONJUNCTION WITH PAVEMENTS

Notwithstanding subsection (2), boulevards, regardless of width, when constructed in conjunction with concrete pavements or like permanent type pavements on residential streets, except centre boulevards, shall be advertised, constructed and imposed with such pavements at a uniform cost throughout the City and levied and imposed against the real property benefited thereby, taking into account the allowances provided by by-law.

(f) in section 8

(i) by striking out "*section 385 of the Act*" and substituting "*412(3) of the Charter*"; and

(ii) by striking out "*land*" and substituting "*real property*";

(g) in section 12

(i) by striking out ",*and such levies shall not be taken into account in computing the four-sevenths limit prescribed in subsection (1) of section 372(1) of the Act*";

(h) in section 14.1

(i) by striking out "*clause (f) of section 106 of the Act*" and substituting "*subsection 240(1) of the Charter*";

(i) by adding the following immediately after section 16:

17 The designated committee of council for appeals of local improvement taxes as may be permitted by the Charter shall be The Board of Appeal (Local Improvement Assessment Appeals) and the committee shall follow procedures in accordance with the Charter.

14. By-law No. 201/72

By-law No. 201/72 is amended:

(a) by repealing the title and substituting the following::

"*A By-law of the City of Winnipeg to impose a licence fee in lieu of business tax on certain persons*."

(b) by repealing the preamble and 'NOW THEREFORE";

(c) by repealing section 1 and substituting the following:

"*1(1) Every person who, in carrying on a business for the preponderant purpose of earning a profit,*

(a) occupies premises for which the City Assessor finds it impractical to determine the annual rental value; or

(b) does not occupy premises for the purpose of carrying on business;

shall take out an annual licence from the City and shall pay an annual licence fee therefor.

1(2) The licence fee shall be $135. per year, except that where the person carrying on the business is registered with a qualified organization for the physically handicapped or disabled the licence fee shall be $13. per year.

1(3) Notwithstanding any provision of this By-law, no licence fee shall be payable under this By-law by any person for any year and for any premises in respect of which a business assessment has been made.

1(4) Notwithstanding any provision of this By-law, this By-law shall not apply to a business exempt from business assessment."

(d) in Subsection 2.1(1) by striking out ", *contrary to subsection 1(1) of this By-law, carries on business in the City of Winnipeg and fails to take out an annual licence from the City*," and substituting "*fails to comply with subsection 1(1) of this By-law*".

(e) by adding the following after section 4:

5. This By-law shall be referred to as the "Licence in Lieu of Business Tax By-law".

15. By-law No. 351/73

By-law No. 351/73 is amended

(a) by repealing the preamble and "*NOW THEREFORE*";

(b) in section 1, by repealing the definition of ***"person"***;

(c) by repealing section 12 and substituting the following:

12(1) The Fire and Paramedic Chief and his or her delegates 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.

12(2) Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

12(3) Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used;
(b) if the person to be served is the occupant of real property, the street address for that property may be used; and
(c) if the document to be served relates to a permit for which the person to be served has applied in writing, the address provided by the person in the application may be used.

12(4) An appeal from an order to remedy a contravention of this By-law or a decision made by the Fire and Paramedic Chief or his or her delegates may be made to the Standing Policy Committee on Protection and Community Services in accordance with The City of Winnipeg Charter.

(d) by adding the following immediately after section 13:
14 This By-law shall be referred to as the "Fireworks and Firecrackers By-law".

16. By-law No. 430/73
By-law No. 430/73 is repealed

17. By-law No. 478/73
By-law No. 478/73 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) in section 1, by striking out everything after "by the" and substituting "*signature of the Director of Planning, Property and Development or his/her delegate*.";

(c) in section 2, by striking out "*Director of Planning or his Deputy*" and substituting "*Director of Planning, Property and Development or his/her delegate*";

(d) by adding the following after section 2:

"3. The Director of Planning, Property and Development shall be responsible for administration of this By-law and, for that purpose, has the powers of a "designated employee" under The City of Winnipeg Charter."

4. This By-law shall be referred to as the "Subdivision Plan Authentication By-law".

18. By-law No. 479/73

By-law No. 479/73 is amended:

(a) by striking out the preamble and "NOW THEREFORE";

(b) in subsection 2(2):

(i) by deleting "*Pursuant to section 668(4)*";

(ii) in clause (h), by striking out "*clauses 668(3)(d) or (e) of The City of Winnipeg Act*" and substituting: "The City of Winnipeg Charter"

(c) by repealing sections 3, 4 and 5 and substituting:

"3. *This By-law shall be referred to as the 'Electricity and Gas Tax By-law'*."

19. By-law No. 658/74

By-law No. 658/74 is repealed.

20. By-law No. 692/74

The Encroachment By-law No. 692/74 is amended:

(a) in section 2:

(i) by striking out *"established under section 20 of The City of Winnipeg Act, S.M. 1971, c. 105 and"*;

(ii) by striking out the definition "*Board of Commissioners"*;

(iii) by striking out the definition "*"City Solicitor", "Commissioner of Planning and Community Services", "Commissioner of Works and Operations", "Director of Land Surveys and Real Estate""*;

(iv) by striking out the definition *"Designated Officer"* and substituting the following:

"Designated Officer" means the "Director of Planning and Property Development" or such other person as may be authorized in writing by the said Director to exercise some or all of the powers vested in him by this By-law;

(v) by striking out the definitions *"City", "Council",* and *"Street"*;

(b) by striking out *"Board of Commissioners"* wherever it appears in the By-law and substituting "*Chief Administrative Officer*";

(c) in subsection 4(1)(b) by striking out *"appeal to Council within 14 days to any decision made by the Designated Officer"* and substituting *"appeal any decision made by the Designated Officer in accordance with the City of Winnipeg Charter"*

(d) in section 9 by adding *"in accordance with the Charter"* immediately after *"the Designated Officer will give notice to the owner"*;

(e) by striking out *"Commissioner of Works and Operations"* wherever it appears in the By-law and substituting "*Director of Public Works*";

(f) by striking out *"Director of Land Surveys and Real Estate"* wherever it appears in the By-law and substituting *"Designated Officer"*;

(g) by striking out "*Director of Land and Development Services"* wherever it appears in the By-law and substituting *"Designated Officer"*;

(h) by striking out *"Committee on Planning and Community Services"* wherever it appears in the By-law and substituting *"Standing Policy Committee on Property and Development"*;

21. By-law No. 783/74

By-law No. 783/74 is amended:

(a) in section 2, by striking out "*In accordance with subsection 435(1) of The City of Winnipeg Act*".

(b) in section 3, by striking out "**Act**" and substituting "**Charter**".

(c) by repealing section 5 and substituting:

"5. The members of the Police Service shall:

(a) perform all duties assigned to the officer in relation to the preservation of peace, the prevention of crime and offences against laws in force in Manitoba and the apprehension of criminals and offenders and others who may lawfully be taken into custody;

(b) execute all warrants and perform all duties that under the laws in force in Manitoba may lawfully be executed or performed by peace officers; and

(c) perform such other duties and functions as may from time to time be assigned to them by the Chief of Police;

(d) by adding the following after section 10:

"11. This by-law may be referred as the Winnipeg Police Service By-law."

22. By-law No. 789/74

The Voluntary Payment of Fines By-law No. 789/74 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) by adding the following after section 8:

9. This By-law shall be referred to as the "Voluntary Payment of Fines By-law".

23. By-law 821/74

By-law No. 821/74 is amended

(a) by striking out *"mobile house"* wherever it appears in the By-law and substituting *"mobile home"*;

(b) by striking out *"Chief Licence Inspector"* wherever it appears in the By-law and substituting *"tax collector"*;

(c) in section 3, by striking out *", as defined in The City of Winnipeg License By-law,"*

(d) by repealing sections 5 and 6 and substituting the following:

5(1) The tax collector and his/her delegates 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 tax collector must complete and sign all licences issued by the City and keep a register containing full particulars thereof.

6 Where an address for service must be determined, it shall be done as follows:

(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 in writing, the address provided by the person in the application.

(e) by adding the following after section 7:

8. This By-law shall be known as The Mobile Home Licence By-law.

24. By-law No. 838/74

By-law No. 838/74 is amended

(a) in section 1, by striking out "*the City Treasurer, or his deputy or his assistant deputy, and the Chief Commissioner of the City are hereby designated as persons*" and substituting "*the Chief Administrative Officer and the Chief Financial Officer are the designated employees hereby*";

(b) in section 3, by striking out "*City Treasurer*" and substituting "*Chief Financial Officer*";

(c) in section 3, by striking out "*where*" and substituting "*cheques must be signed by two designated employees and where*"; and

(d) by adding the following immediately after section 5:

6. This By-law shall be referred to as the "Cheque Signing Authority By-law".

25. By-law No. 965/75

By-law No. 965/75 is amended by adding the following after section 2:

"3. This By-law shall be referred to as the "North St. Boniface Secondary Plan By-law"."

26. By-Law No. 1075/75

The Anti-Litter By-law No. 1075/75 is amended

(a) by striking out *"Commissioner"* wherever it appears and substituting *"Director"*;

(b) by renumbering section 2 as "*2.1*" and adding the following immediately thereafter:

2.2 DESIGNATED EMPLOYEES

The Director and his or her delegates 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.

(c) by adding the following immediately after subsection 3.3:

3.4 No person shall spit in any public place except in a litter receptacle.

(d) by repealing subsection 5.3 and substituting the following:

5.3 No operator of a vehicle may permit litter to be thrown, dropped, blown or dumped from the vehicle.

(e) by repealing subsections 7.2 and 7.3 and substituting the following:

7.2 The proprietor of a business that sells food or drinks in containers or papers that may be removed from the business must collect and dispose of any containers and papers discarded on the premises or on adjoining public or private land within a distance of 100 metres of the business.

(f) by repealing subsections 8.1 and 8.2 and substituting the following:

8.1 Orders to Remedy a Contravention

Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

8.2 Address for Service

Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

(g) by repealing subsections 9.1 and 9.2.

27. By-law No. 9781/75

The Pigeon Control By-law No. 9781/75 is amended by:

(a) repealing section 7;

(b) repealing the heading "Offences and Penalties" preceding section 12 and substituting the following:

"ENFORCEMENT AND APPEALS

12. (1) The director of Community Services and his/her delegates may conduct investigation and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with The City of Winnipeg Charter and for these purposes, have the powers of a "designated employee" under The City of Winnipeg Charter.

(2) Any order to remedy a contravention of this by-law must be issued in accordance with The City of Winnipeg Charter.

(3) Any order issued under this by-law shall be served in accordance with The City of Winnipeg Charter. Where an address for service must be determined, it shall be done as follows:

(a) if the person to be served is the owner of the 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.

(4) An appeal from an order to remedy a contravention of this by-law, or from a refusal to issue a permit under section 5, or from an order issued under section 6 may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Protection and Community Services."

28. By-law No. 1300/76

By-law No. 1300/76 is amended by adding the following after section 2:

"3. This By-law shall be referred to as the "North Henderson Highway Secondary Plan By-law"."

29. Bylaw No. 1322/76

The Winnipeg Fire Prevention By-law No. 1322/76 is amended

(a) by repealing the preamble and "*NOW THEREFORE*";

(b) in section 1

(i) by repealing the definitions of ***"Authority having jurisdiction"***, ***"Chief"*** and ***"Supervisor of Building Inspections"***; and

(ii) by adding the following definitions in alphabetical order:

"Authority having jurisdiction" *means the City of Winnipeg.*

"Chief" *means the Fire and Paramedic Chief.*

"Designated employee" *means the Fire and Paramedic Chief or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.*

(c) by striking out *"authority having jurisdiction"* wherever it appears in the By-law and substituting *"designated employee"*.

(d) by repealing section 5 and substituting the following:

5 The designated employee and his or her delegates 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.

(e) by repealing sections 9 and 10 and substituting the following:

ORDERS AND DECISIONS

9(1) Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

(2) Any orders and decisions of a designated employee and the Winnipeg Building Commission must be served in accordance with The City of Winnipeg Charter.

(3) Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used;

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

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

APPEALS

10 An appeal from an order to remedy a contravention of this By-law or a decision made by the designated employee or a decision or order of the Winnipeg Building Commission may be made to the Standing Policy

Committee on Protection and Community Services in accordance with The City of Winnipeg Charter.

(f) by repealing section 13.

30. By-law No. 1416/76

The Building Names and Numbers By-law No. 1416/76 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) by adding the following after section 10:

11. This By-law shall be referred to as the "Building Names and Numbers By-law".

31. By-law No. No. 1474/77

The Historical Building By-law 1474/77 is amended:

(a) by repealing the preamble and striking out "NOW, THEREFORE,";

(b) in section 2, by adding the following definitions in alphabetical order:

"City" means, as the case requires,

(a) the corporation known as "The City of Winnipeg", or

(b) the area of the City of Winnipeg as determined under The City of Winnipeg Charter;

"Director" means the Director of Planning, Property and Development and his/her delegates;

"representation" means information, material or argument presented orally or submitted in writing or other form at a hearing, including a representation made in person or on behalf of another person."

(c) in section 2, by repealing the definition "Commissioner";

(d) by striking out "*Commissione*r" or "*Commissioner or his delegate*" wherever they appear in the by-law and substituting "*Director*";

(e) in the definition "Community Committee" in section 2, by striking out "*Part I of The City of Winnipeg Act*" and substituting "*section 64 of The City of Winnipeg Charter*";

(f) in the definition "Council" in section 2, by striking out everything after "of" and substituting "*the city, and where a delegation of authority is permitted, includes its designate*";

(g) by repealing the definition “Designated Committee” in section 2 and substituting "Designated Committee" means the Standing Policy Committee on Property Development;

(h) by repealing the definition “Owner” in section 2 and substituting:

“owner”, in relation to real property, means a person who is the owner of a freehold estate in the real property, and includes

(a) a person who is an owner, with another person as joint tenant or tenant in common, of a freehold estate,

(b) a person who is registered under The Condominium Act as the owner, as defined in that Act, of a unit under that Act, and

(c) a real owner, as defined in subsection 1(1) of The Municipal Assessment Act;";

(i) by repealing section 22;

(j) by repealing section 23 and substituting:

“The director is responsible for the administration of this By-law and, for that purpose, has the powers of a “designated employee” under The City of Winnipeg Charter.”

(k) by adding the following after section 23:

“SERVICE

24. (1) The city shall serve a copy of any recommendation or decision under this By-law which affects or pertains to a building, erection or structure, upon the owner and any other person who has made a representation at a hearing under this By-law, in accordance with The City of Winnipeg Charter.

(2) Where such service is done by sending a copy of the recommendation or decision, and an address for service must be determined, it shall be determined as follows:

(i) the address for service provided by an owner in an application under this By-law;

(ii) 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; or

(iii) the address for service provided by the person to be served, in a representation."

32. By-law No. 1481/77

the Streets By-law No. 1481/77 is amended:

(a) by repealing the preamble;

(b) in section 1, by striking out the definitions *"Boulevard", "City", "Council", "Highway", "Person", and "Street"*;

(c) in section 1.03 by striking out *"Commissioner means the Commissioner of Works and Operations"* and substituting *"Director means the Director of Public Works"*;

(d) in section 1.04 by striking out *""Commissioner of Environment", "Commissioner of Finance""* and substituting *"Chief Financial Officer"*;

(e) in section 9 by striking out *"The Board of Commissioners"* and substituting *"The Chief Administrative Officer or his/her designate"*;

(f) by adding the following after section10:

"11. This By-law shall be referred to as the "Streets By-law";

(g) by striking out *"Commissioner"* wherever it appears and substituting *"Director"*;

(h) by striking out *"Commissioner of Environment"* wherever it appears and substituting *"Director"*.

(i) in section 5.1 of Schedule "G", by striking out *"section 197 of The City of Winnipeg Act"* and substituting *"section 436 of The City of Winnipeg Charter".*

(j) in section 6, by striking out *"City Solicitor"* and substituting *"Corporate Risk Manager"*;

(k) by adding the following after subsection 7.04:

APPEALS

7.1 An appeal from an order to remedy a contravention of this By-law or a decision made under this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

SERVICE OF DOCUMENTS

7.2 Where an address for service must be determined, it shall be done as follows:

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

33. By-law 1484/77

By-law No. 1484/77 is amended

(a) repealing the preamble and "*NOW THEREFORE*";

(b) in section 1,

(i) by repealing the definition of ***"Electrical Supervisor"*** and ***"Owner"***; and

(ii) by adding the following definitions in alphabetical order:

"Designated Employee" *means the Manager of Development and Inspections of the City of Winnipeg or Winnipeg or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.*

"Person responsible" *means the owner, manager or some other person responsible or in control of a building to which this By-law applies.*

(c) by striking out *"electrical supervisor"* wherever it appears in the By-law and substituting *"designated employee"*;

(d) by striking out *"owner"* wherever it appears in the By-law and substituting *"person responsible"*.

(e) by renumbering section 2 as section 2.1 and adding the following immediately after section 1:

2 The person responsible for a building is responsible for complying with this By-law.

(f) repealing sections 11, 12, 13 and 14 and substituting the following:

11 The designated employee and his or her delegates 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.

12 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

13 Where it is necessary to determine an address for service in order to serve an order or a decision of the designated employee, it shall be done as follows:

(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 may be used;

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

14 Any person may apply in writing to the Commission for an order modifying or varying the requirements of this By-law or a decision or order of the designated employee.

15 An appeal from a decision or order of the Commission may be made to the Standing Policy Committee on Planning and Community Services in accordance with The City of Winnipeg Charter.

16. This By-law shall be referred to as the "Fire Alarm Systems By-law".

34. By-law No. 1573/77

The Traffic By-law No. 1573/77 is amended:

(a) in section 2(2) by:

(i) striking out the definitions "*boulevard", "Council",* and *"street"*;

(ii) striking out the definition *"Director of Streets and Transportation"* and substituting *""Director" means the Director of Public Works or such other person as may be authorized by the said Director to exercise some or all of the powers vested in him/her by this by-law"*;

(b) in section 6.1(a), by striking out *"Committee on Works and Operations of The City of Winnipeg"* and substituting *"Standing Policy Committee on Public Works"*;

(c) by striking out *"Commissioner"* wherever it appears and substituting *"Director"*;

(d) by striking out *"Director of Streets and Transportation"* wherever it appears and substituting *"Director"*;

(e) by adding the following after section 55:

APPEALS

55.1. An appeal from an order to remedy a contravention of this By-law or a decision made under this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

SERVICE OF DOCUMENTS

55.2 Where an address for service must be determined, it shall be done as follows:

(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 in writing, the address provided by the person in the application.

35. By-law No. 1735/77

By-law No. 1735/77 is amended by adding the following after section 2:

"3. This By-law shall be referred to as the "St. Vital Perimeter South Secondary Plan By-law"."

36. By-law No. 1826/77

By-law No. 1826/77 is amended by adding the following after section 2:

"3. This By-law shall be referred to as the "Metric Conversion By-law"."

37. By-law No. 1979/78

The Incinerator Control By-law No. 1979/78 is amended

(a) in section 2, by repealing the definition ***"Designated Officer"*** and substituting the following:

"Designated Employee" *means the Director of Water and Waste for the City of Winnipeg or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.*

(b) in subsection 6(2), by striking out *"Chief of the Fire Department as his designate"* and substituting *"Fire and Paramedic Chief."*;

(c) in section 11, by striking out *"by the Department of Mines, Resources and Environmental Management,"* and substituting *"from time to time by the"*;

(d) by repealing section 13;

(e) by adding the following after section 13:

14 The designated employee and his/her delegates 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.

15 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

16 Where an address for service must be determined, it shall be done as follows:

(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 may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used; 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 in writing, the address provided by the person in the application may be used.

17 An appeal from an order to remedy a contravention of this By-law or a decision made by the Fire and Paramedic Chief may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

38. By-law No. 2054/78

The Parking Authority By-law No. 2054/78 is amended:

(a) in section 2 by:

(i) striking out the definitions "*City", "Council",* and *"Councillor"*;

(ii) striking out *"Elector"* and substituting *"Citizen"*;

(iii) striking out *"Committee on Finance and Administration"* and substituting "*Executive Policy Committee"*;

(b) in section 3 by striking out *"Civic Properties Department and the Streets and Traffic Branch of the Streets and Transportation Department"* and substituting *"Public Works Department"*;

(c) by striking out *"Commissioner of Finance and Administration"* wherever it appears in the By-law and substituting *"Chief Financial Officer".*

(d) by striking out *"Elector"* wherever it appears in the By-law and substituting *"Citizen"*

39. By-law No. 2118/78

The Back Lane Speed By-law No. 2118/78 is amended by adding the following after section 3:

4. This By-law shall be referred to as the "Back Lane Speed By-law".

40. By-law No. 2443/79

The Pound By-law No. 2443/79 is amended:

(a) by repealing subsection 3(b) and substituting:

"(b) The Poundkeeper, Chief License Inspector, or a Police Constable and their delegates 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."

(b) by repealing section 12 and substituting:

"12. If any dispute arises as to the amount of damages claimed, the amount shall be determined by the Director of Community Services and an appeal from his/her decision may be made in accordance with subsection 20.1(5)."

(c) in clause (b) of subsection 18(2) by striking out "*Committee on Finance and Administration*" and substituting "*Standing Policy Committee on Protection and Community Services*".

(d) by repealing subsection 20.1(2) and substituting:

"(2) The Chief License Inspector shall give written notice of the determination leaving with to the owner of the dog at least five (5) days in advance of the hearing. The notice shall be issued in accordance with The City of Winnipeg Charter. Where an address for service must be determined, it shall be done as follows:

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

(b) if the person to be served is the occupant of real property, the street address for that property may be used:

and the notice shall include:

(c) a statement of the time, place and purpose of the hearing;

(d) a copy of Part II of this By-law;

(e) statement that if the licensee does not attend at the hearing, the matter may be dealt with in his absence and that he will not be entitled to any further notice in the proceedings.

(e) by repealing subsection 20.1(5) and substituting:

"(5) An appeal from a decision under subsection 20.1(4) may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Protection and Community Services."

(f) in clauses (a), (b) and (c) of subsection 20.1(6) and in paragraph (ii) of clause (a) of subsection 20.1(7), by striking out the words "*Committee on Finance and Administration*" and substituting "*Standing Policy Committee on Protection and Community Services*".

(g) in clause (c) of subsection 20.1(6) by adding at the end thereof:

"and shall be served on the owner in accordance with subsection 20.1(2)."

(h) in clause (a) of subsection 20.1(8), by striking out "endure" and substituting "*ensure*".

(i) in clause (e) of subsection 30(3), by adding at the end:

"The decision shall be served on the owner in accordance with subsection 20.1(2)."

(j) in clauses (f), (g) and (h) of subsection 30(3), by:

(a) striking out "*Committee on Protection and Community Services*" and substituting "*Standing Policy Committee on Protection and Community Services*".

(b) in clause (f), by adding after "Poundkeeper", the words "*in accordance with The City of Winnipeg Charter*".

(k) in subsections 31(1), 31.1 and 31.2, by striking out "*$5,000.00*" and substituting "*$1,000.00*".

41. By-law No. 2480/79

The City of Winnipeg Noise Control By-law No. 2480/79 is amended:

(a) by repealing all preamble clauses and "NOW THEREFORE";

(b) in clause 2.1, by repealing the definition "Commercial Individual or Residential District" substituting the following:

"Commercial Industrial or Residential" means the various districts as defined in City By-laws relating to zoning.

(c) in clause 2.1, by repealing the definition "*Commissioner of Planning and Community Services*."

(d) in clause 2.1, by repealing the definition of "Person" and substituting the following:

"Person" means an individual, firm, partnership, association or other body, whether incorporated or unincorporated.

(e) in clause 2.1, by adding in the definition of "Precision Sound Level Meter", "or Type II after Type I";

(f) by repealing clause 5.1 and substituting the following:

5.1 The Chief of Police and his delegates shall administer and may take steps to enforce this By-law in accordance with the City of Winnipeg Charter, and for those purposes, have the power of a designated employee under the City of Winnipeg Charter

(g) by repealing clauses 5.3 and 5.4 and substituting therefore the following:

5.3 Any person who deems himself aggrieved by the decision of the Chief of Police may, in accordance with the City of Winnipeg Charter file an appeal with the Office of the City Clerk, which appeal shall be heard by the Standing Policy Committee on Protection and Community Services and every decision of the Standing Policy Committee on Protection and Community Services shall be final and binding.

(h) by renumbering clause 5.5 as 5.4.

(i) by striking out "*or Town Planning Scheme of the City, or any by-law for Town Planning Scheme*" from Section VII.

42. By-law No. 2690/80

The Bakery By-law No. 2690/80 is repealed.

43. By-law No. 2890/81

By-law 2890/81 is amended

(a) by repealing the preamble and "*NOW THEREFORE*";

(b) by repealing section 2 and substituting the following:

2(1) The Chief of Police and his or her delegates 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.

2(2) Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used;

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

writing, the address provided by the person in the application may be used.

2(3) An appeal from a decision or order made by the Chief of Police or his or her delegates may be made to the Standing Policy Committee on Protection and Community Services in accordance with The City of Winnipeg Charter; and

(c) by adding the following immediately after section 3:

4. This By-law shall be referred to as the "Firearms By-law".

44. By-law No. 3215/82

By-law No. 3215/82 is amended by adding the following after section 1:

"2. This By-law shall be referred to as the "Henderson Highway Corridor Secondary Plan By-law"."

45. By-law No. 3218/82

The Milk and Dairy Products By-law No. 3218/82 is amended:

(a) by repealing section 4 and substituting:

"4(1) "Public Health Inspector" means a person appointed as such under The Department of Health Act or The Public Health Act.

4(2) A Public Health Inspector 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, has the powers of a "designated employee" under The City of Winnipeg Charter, which powers shall not be further delegated by a Public Health Inspector."

46. By-law No. 3219/82

The City of Winnipeg Parks and Recreation By-law No. 3219/82 is amended:

(a) in the definition "Designated" in section 2, by striking out "*Board of Commissioners*" and substituting "*Chief Administrative Officer*";

(b) in section 2, by repealing the definition "*Board of Commissioners*" and substituting the following:

"Chief Administrative Officer" means the Chief Administrative Officer of The City of Winnipeg;

(c) in section 2, by striking out the words:

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

where they appear at the end thereof.

(d) by repealing section 3 and the heading preceding it and substituting:

"APPLICATION AND ENFORCEMENT OF BY-LAW

3. (1) Unless the contrary is expressly stated, the provisions of this By-law apply to parks in The City of Winnipeg and to parks owned by The City of Winnipeg which are located outside its boundaries."

(2) The Chief Administrative Officer and his/her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with The City of Winnipeg Charter and for these purposes, have the powers of a "designated employee" under The City of Winnipeg Charter."

(e) by striking out "*Board of Commissioners*" where it appears in the following provisions and substituting "*Chief Administrative Officer*":

(i) clause (i) of subsection 7.1;

(ii) subsection 8.1;

(iii) subsection 8.2;

(iv) subsection 10.2;

(v) section 12;

(vi) subsection 14.1;

(vii) section 17;

(viii) section 18;

(ix) subsection 21(b);

(x) section 23;

(xi) subsection 24.1;

(xii) subsection 25.1, including clause (5);

(xiii) subsection 25.2, including clauses (3), (4) and (5);

(xiv) subsection 25.3;

(xv) subsection 26.1;

(xvi) subsection 27.1;

(xvii) subsection 27.2;

(xviii) subsection 27.3.

(f) in subsection 10.1, by striking out "*Except as authorized by paragraph 11.3, no" and substituting "No*";

(g) in subsection 11.1, by striking out "*snake, spider, insect, lion, tiger or other*";

(h) in section 12, by striking out "*Parks and Recreation Department*" and substituting "*the City*";

(i) by repealing section 28 and the heading preceding it;

(j) by repealing section 31 and the heading preceding it and substituting:

"LITTER AND FIREWORKS

31.1 No person shall dump, deposit, drip, throw, discard or leave litter or garbage in a park except where it is placed in a container provided for that purpose;

31.2 No person shall fire or set off any fireworks in a park except as permitted by the Chief Administrative Officer."

(k) by repealing section 32.

47. By-law No. 3344/83

By-law No. 3344/83 is repealed.

48. By-law No. 3349/83

By-law No. 3349/83 is amended

(a) in the title, by inserting *"and"* after *"City Solicitor"* and by striking out *"and the General Manager of Winnipeg Hydro".*

(b) by repealing the preamble;

(c) by repealing section 2; and

(d) by adding the following immediately after section 3:

4. This By-law shall be referred to as the "Claims Settlement By-law".

49. By-law No. 3354/83

. The Meat and Poultry By-law No.3354/83 is amended:

(a) by adding the following after section 1:

"1.1 "Public Health Inspector" means a person appointed as such under The Department of Health Act or The Public Health Act.

1.2 A Public Health Inspector 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, has the powers of a "designated employee" under The City of Winnipeg Charter, which powers shall not be further delegated by a Public Health Inspector."

(b) by repealing Section 5.

50. By-law No. 3389/83

By-law No. 3389/83 is amended:

(a) by repealing the preamble and substituting the following:

"WHEREAS The City of Winnipeg has the authority to pass by-laws respecting the keeping or harbouring of animals or birds";

(b) by repealing section 4 and substituting the following:

"4. The Chief Operating Officer of the Animal Services Agency Division and his/her delegates 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."

(c) by repealing section 5;

(d) by adding the following after section 6:

"7. This by-law shall be known as the Exotic Animal By-Law."

51. By-law No. 3422/83

By-law No. 3422/83 is amended:

(a) in section 2 by:

(i) striking out the definitions *"City", "Person", Sidewalk",* and *"Street"*;

(ii) striking out the definition *"Commissioner"*;

(b) in section 8 by striking out *"Commissioner"* and substituting *"Director of Public Works"*.

52. By-law No. 3702/84

By-law No. 3702/84 is repealed

53. By-law No. 3788/84

By-law No. 3788/84 is amended:

(a) by repealing the preamble; and "NOW THEREFORE";

(b) by adding the following after section 1:

2. This by-law shall be referred to as the "Number of Members of the Board of Revision By-law".

54. By-law No. 3862/84

By-law No. 3862/84 is repealed.

55. By-law No. 3897/85

By-law No. 3897/85 is repealed

56. By-law No. 4304/86

By-law 4304/86 is amended

(a) by striking out everything in the preamble prior to "WHEREAS the Council of the City of Winnipeg deems it expedient";

(b) in section 1,

(i) by striking out the definitions ***"Designated Employee"***, ***"Owner"***, ***"Person"*** and ***"Supervisor of Building Inspections"***;

(ii) by adding the following in alphabetical order:

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

"Person Responsible" *means a person or agent of a person who owns manages or is in possession of land or a building or who is in receipt of the whole or a part of the any rents or profits therefrom, whether the rents and profits are received on the person's own account, or as agent or trustee for the another person.*

(c) by striking out *"owner"* wherever it appears in the By-law and substituting *"person responsible"*;

(d) by striking out *"Supervisor of Building Inspections"* wherever it appears in the By-law and substituting *"designated employee"*;

(e) by repealing section 6 and substituting the following:

The designated employee and his or her delegates 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.

(f) by repealing sections 9, 10 and 11 and substituting the following:

9 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

10 Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used;

(b) if the person to be served is the occupant of real property, the street address for that property may be used; 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 in writing, the address provided by the person in the application may be used.

11(1) Any person responsible may apply in writing to the Commission to modify or vary an exemption from the requirements of this By-law or a decision of the designated employee.

11(2) The Secretary of the Commission shall notify the applicant of the time and place of the Commission's meeting to consider the application.

(g) by repealing section 14 and substituting the following:

14 An appeal from a decision of the Commission or an order to remedy a contravention of this By-law may be made to the Standing Policy Committee on Planning and Community Services in accordance with The City of Winnipeg Charter.

(h) by repealing sections 25 and 26;

(i) by adding the following immediately after section 27:

28. This By-law shall be referred to as the "Residential Buildings Fire Safety By-law".

57. By-law No. 4322/86

By-law No. 4322/86 is repealed.

58. By-law No 4555/87

The Winnipeg Building By-law No. 4555/87 is amended

(a) in subsection 2.1, by striking out *"in the City and the Additional Zone."*

(b) by repealing subsection 2.2 and substituting the following:

2.2 The building construction codes or building construction standards adopted in whole or in part adopted by the Lieutenant Governor in Council by regulation pursuant to section 3 of The Buildings and Mobile Homes Act are hereby adopted by the City of Winnipeg pursuant to section 4 of The Buildings and Mobile Homes Act and the said codes and standards are incorporated into and form part of this By-law.

(c) by repealing subsection 3.2 and substituting the following:

3.2 Words and phrases defined in The City of Winnipeg Charter have the same meaning in this By-law.

(d) in subsection 3.3, by:

(i) striking out the definitions **"*Authority Having Jurisdiction*"**, ***"City"***, ***"Code"***, ***"Commissioner of Works and Operations"***, ***"Council"***, ***"Designated Employee"***, ***"Highway"***, ***"Owner"*** and ***"Person"***;

(ii) adding the following in alphabetical order:

"Authority having jurisdiction" *means The City of Winnipeg.*

"Commission" *means the Winnipeg Building Commission established by this By-law.*

"Code" *means the building construction codes or building construction standards adopted in whole or in part adopted by the Lieutenant Governor in Council by regulation pursuant to section 3 of The Buildings and Mobile Homes Act and adopted by subsection 2.2 of this By-law.*

"Designated Employee" *means the Manager of Development and Inspections for the City of Winnipeg or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.*

"Person" *has the same meaning as it has in The City of Winnipeg Charter.*

"Person responsible" *means a person or agent of a person who owns, manages or is in possession of land or a building, or who is in receipt of the whole or 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.*

(e) by striking out *"authority having jurisdiction"* wherever it appears in section 4 and thereafter in the By-law and substituting *"designated employee"*;

(f) by striking out *"Committee on Planning and Community Services"* wherever it appears in the By-law and substituting "*Standing Policy Committee on Property and Development*";

(g) by striking out *"owner"* wherever it appears in the By-law and substituting *"person responsible"*;

(h) by repealing subsection 4.1;

(i) by repealing subsection 5.9;

(j) by repealing subsection 8.1 and substituting the following:

8.1 The designated employee and his or her delegates 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.

(k) by repealing subsection 8.4 and substituting the following:

8.4 In addition to orders to remedy a contravention of this By-law, the designated employee may issue notices advising that a contravention of this By-law has taken place and requiring that it be rectified.

(l) by repealing subsection 8.8 and substituting the following:

8.8 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

8.9 Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used;

(b) if the person to be served is the occupant of real property, the street address for that property may be used; 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 in writing, the address provided by the person in the application may be used.

(m) by repealing subsection 9.1;

(n) by repealing subsections 9.5 and 9.6 and substituting the following:

9.5

9.5.1 The designated employee may issue a permit for the entire construction project or, when requested, may issue separate permits for aspects or stages of the construction project.

9.5.2 Separate permits for aspects or stages of the construction project may be issued only after the designated employee has approved the plans and drawings for those stages.

9.5.3 The fact that the designated employee issues a permit for a particular aspect or stage of the construction project does not mean that approval has been or will be given of plans for other aspects or stages of the project and an owner who proceeds with construction to the extent authorized by the permit must assume the risk that plans for other aspects or stages of the project may not be accepted by the designated employee.

9.6

9.6.1. The designated employee may issue a permit on the condition that, before specific aspects or stages of construction authorized in the permit are initiated, the owner must provide and the designated employee must approve information, plans or details of plans that are not available at the time the permit is issued.

9.6.2 The designated employee may issue a conditional permit under clause 9.6.1 only where the information or plans that must be provided and approved are not relevant to aspects or stages of construction which are permitted to proceed in the interim.

9.6.3 The fact that the designated employee issues a conditional permit under clause 9.6.1 does not mean that approval of plans or details of plans submitted as a condition of the permit has been or will be given and an owner who proceeds with construction to the extent authorized by the permit must assume the risk that plans for other aspects or stages of the project may not be approved. Similarly, where information provided pursuant to a conditional permit leads the designated employee to conclude that the plans or the permit must be altered in order to comply with the Building Code, such alterations shall be made at the owner's expense.

(o) by repealing section 10 and substituting the following:

SECTION 10

APPEAL

10 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.

(p) by repealing section 12 and substituting the following:

12.1 Premises are in an unsafe condition when they pose a risk of harm to people, animals or neighbouring properties and, without restricting the generality of the foregoing, a property is in an unsafe condition when

(a) all or parts of the buildings or structures located on the premises constitute a fire hazard or are likely to fall or cause an explosion;

(b) the floors, stairs, walls and other structural aspects of buildings or structures located on the premises are insecure or pose a danger to people or animals who enter the buildings or structures;

(c) a vacant building or structure is unguarded or open so that entry can be easily gained to it; or

(d) wells, excavations, openings or holes located on the premises are not property covered or guarded so that people or animals could fall into them and be trapped.

12.2 The owner and occupant of premises shall not permit those premises to be in an unsafe condition.

12.3 This section does not apply to dwellings as defined in the Vacant Dwellings By-law.

(q) by repealing subsection 18.4.1 and substituting the following:

ESTABLISHMENT OF COMMISSION

18.1.1 The Winnipeg Building Commission is hereby established.

(r) by repealing clause 18.3.1(1) and substituting the following:

18.3.1 (1) An employee of the City shall serve as secretary of the Commission but shall not have the right to vote at meetings of the Commission.

(s) By repealing subsection 18.4.1 and substituting the following:

AUTHORITY

18.4.1 The Commission is hereby authorized:

(a) upon application by any person or on its own initiative, to modify or vary requirements of this or another by-law that applies to the construction of a building where the Commission considers it advisable and expedient because of the proposed use of new methods or materials;

(b) where this or another by-law requires an alteration to be made to, or equipment to be installed in, an existing building, upon application by any person or on its own initiative, to decide, subject to The Buildings and Mobile Homes Act, whether the alteration must be made or the equipment installed; and

(c) to provide advice to City employees, committees of Council and Council on matters relating to this by-law.

(t) by repealing clause 18.5.3(4) and substituting the following:

18.5.3(4) Decisions of the Commission shall be served in accordance with The City of Winnipeg Charter.

(u) by repealing clauses 18.6.1 and 18.6.2 and substituting the following:

18.6.1 An appeal from a decision of the Winnipeg Building Commission may be made to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter.

(v) by repealing section 25 and substituting the following:

SECTION 25

OFFENCES

25 A failure to comply with

(a) any provision of this By-law;

(b) any order or decision of a designated employee or a decision of the Winnipeg Building Commission; or

(c) the standards and requirements set out in the Code

constitutes a contravention of this By-law.

59. By-law No. 4653/87

The Tattoo Studio By-law No. 4653/87 is amended:

(a) in section 2, by repealing the definition of "person";

(b) in section 2, in the definition of “Public Health Inspector” by:

(i) striking out the comma after “The Department of Health Act” and inserting “*or*”;

(ii) striking out the words “*or The City of Winnipeg Act*”.

(c) in section 8, by striking out the last sentence.

(d) by repealing section 9 and substituting:

9(1) A Public Health Inspector 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, has the powers of a “designated employee” under The City of Winnipeg Charter.”

(2) An order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

(3) A notice, decision or order shall contain the information and be served in accordance with The City of Winnipeg Charter.

(4) Where an address for service must be determined, it shall be done as follows:

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

(b) if the person to be served is the occupant of the real property, the street address for that property may be used.

(5) An appeal from an order to remedy a contravention of this By-law or from the refusal to issue a permit under section 4 may be made in accordance with the City of Winnipeg Charter to the Standing Policy Committee on Protection and Community Services.

(6) Notwithstanding subsection (2), (3), (4) and (5) where an emergency arises that affects the health of persons, the Public Health Inspector may issue a closing notice, effective immediately, and there shall be no appeal from said notice. The notice shall be effective once served on the operator or person in charge."

60. By-law No. 4665/87

By-law No. 4665/87 is amended

(a) by repealing clause (a) of the preamble;

(b) repealing section 4 and substituting the following:

4(1) Where the owner of a residential building objects to compliance with sections 2 and 3 of this By-law, he or she may apply to the Community Committee of the area in which the residential building is located for an order exempting that residential building from compliance.

4(2) An application under subsection 4(1) must be in writing, filed with the City Clerk and must include the address of the residential building that is the subject of the application, the applicant's name and the applicant's address.

(c) in section 5, by striking out *"and objection"*;

(d) by repealing sections 8 to 13 and substituting the following:

8 The order of the Community Committee shall be sent in accordance with The City of Winnipeg Charter

(a) to the applicant and

(b) to every person who made representation at the meeting and who provided his or her name and address to the committee for service.

9 Where it is necessary to determine an address for service of the order of the Community Committee, the address provided by the person to the Clerk or to the Community Committee, as the case may be, may be used.

10 An appeal from an order of the Community Committee may be made to the Standing Policy Committee on Property and Development in accordance with

The City of Winnipeg Charter by any person to whom a copy of the order is required to be sent under section 8.

11 Notice of the date and time of the appeal shall be provided in accordance with The City of Winnipeg Charter by the City Clerk to all persons to whom a copy of the order is required to be sent under section 8 and to the members of the Community Committee.

12 This By-law shall be referred to as "The Demolition Permits in Residential Areas By-law".

(e) by striking out "*PENALTIES*" and the paragraph following section 14.

61. By-law No. 4676/87

The Alarm By-law No. 4676/87 is amended:

(a) by adding the following immediately after section 2:

2.1 The Chief of Police and his/her delegates 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.

(b) by adding to Clause 5(10)(b):

The notice shall be served in accordance with The City of Winnipeg Charter. Where an address for service must be determined, it shall be the residential address shown on the application form attached as Schedule "A" to this by-law.

(c) in subsection 5(11), by:

(i) repealing clauses (c) and (d)

(ii) adding at the end of clause (b):

which shall contain the information, and be served in accordance with The City of Winnipeg Charter. Where an address for service must be determined, it shall be the residential address shown on the application form attached as Schedule "A" to this by-law.

(d) by repealing subsection 5(12) and substituting the following:

(12) An appeal from a notice issued under subsection 5(11) may be made within thirty (30) days in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Protection and Community Services.

62. By-law No. 4800/88

By-law No. 4800/88 is amended:

(a) in the definition "development application" in section 210, by striking out "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter";*

(b) in the definition "lot" in section 210, by striking out "*s. 637 of the City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*";

(c) in the definition "director" in section 210, by striking out everything after "Director of" and substituting "*Planning, Property and Development and his/her delegates*";

(d) by repealing the definition "*zoning by-law*" in section 210 and substituting:

""zoning by-law" has the same meaning as in The City of Winnipeg Charter.";

(e) by repealing section 120 and substituting:

"120(1) The Director 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, has the powers of a "designated employee" under The City of Winnipeg Charter.

120(2) Without limiting the generality of subsection 120(1), in accordance with The City of Winnipeg Charter the Director may issue an order to remedy a contravention of this By-law, requiring the person responsible for the contravention to remedy it.

120(3) An order issued under subsection 120(2) shall be prepared and served in accordance with The City of Winnipeg Charter.

120(4) A recommendation or decision under this By-law shall be prepared and served in accordance with The City of Winnipeg Charter.

120(5) Where service under subsections 120(3) or (4) is done by sending a copy of the order, recommendation or decision, and an address for service must be determined, it shall be determined as follows:

(i) 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;

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

(iii) the address for service provided by the person to be served, in an application to the City under this By-law.

120(6) An appeal from an order or decision of the Director under this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

(f) in subsection 701(1), by striking out "*Committee on Planning and Community Services*" and substituting "*Standing Policy Committee on Property and Development*";

(g) in subsection 701(2), by striking out "*Community Services*" and substituting "*Planning, Property and Development*".

63. By-law No. 4824/88

The St. Boniface Museum By-law No. 4824/88 is amended by striking out the preamble.

64. By-law No. 4860/88

By-law No. 4860/88 is amended by adding the following immediately after section 2:

3. This By-law shall be referred to as the Tax Certificates Fee By-law.

65. By-law No. 4884/88

By-law No. 4884/88 is amended by adding the following after section 2:

"3. This By-law shall be referred to as the "Kil-Cona Park Area (West) Secondary Plan By-law"."

66. By-law No. 4891/88

By-law No. 4891/88 is amended:

(a) by striking out the preamble and the words "NOW THEREFORE";

(b) by repealing the definition of "Inspector" and substituting:

'Inspector' means a person appointed as such by the Director of The City of Winnipeg's Property, Planning and Development Department";

(c) by adding after section 1:

"1.1 An inspector and his/her delegate may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with The City of Winnipeg Charter and, for these purposes, has the powers of a "designated employee" under The City of Winnipeg Charter."

(d) by striking out "*notice*" where it appears in section 3 and substituting "*order*".

(e) by repealing section 6, 7, 8 and 9 and substituting:

"6. An order to remedy a contravention of this by-law must be issued and served in accordance with The City of Winnipeg Charter.

7. Where an address for service must be determined, it shall be done as follows:

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

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

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

9. This by-law shall be known as the "Termite Control By-law".

67. By-law No. 4903/88

The Maintenance and Occupancy By-law No. 4903/88 is amended

(a) in subsection 1.2, by

(i) repealing the definitions "***Building***", "***City***", "***Committee on Planning and Community Services***", "***Council***", "***Inspector***", and "***Owner***"; and

(ii) adding the following in alphabetical order:

"***Inspector***" *means the Manager of Development and Inspections of the Planning, Property and Development Department, the Administrative Coordinator of Environmental Health Services and any employee of the City to whom either of them has delegated authority to enforce or administer all or part of this By-law.*

"***Person responsible***" *means the owner of real property and any person*

(a) for the time being managing or receiving the rent of the land or premises in connection with which the word owner" is used, whether on his own account or as agent or trustee of any other person, or

(b) who would so receive the rent if such land and premises were let, or

(c) a vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement, or

(d) for the time being receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold under an agreement for sale whether on his own account or as an agent or trustee of any other person, or

(e) who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.

(b) by striking out "*Committee on Planning and Community Services*" wherever it occurs and substituting "*Standing Policy Committee on Property and Development"*;

(c) by striking out *"owner"* wherever it occurs and substituting *"person responsible"*.

(d) by repealing subsections 2.1 to 2.20 and substituting the following:

2.1 RESPONSIBILITIES AND POWERS OF INSPECTORS

Inspectors 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.

2.2 COMPLIANCE ORDERS

Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

2.3 DATES FOR COMPLIANCE

An order issued under this By-law shall identify whether a point of non-compliance with this By-law is considered non-hazardous, hazardous or immediately hazardous in nature and shall specify that the dwelling must be brought into compliance with this By-law

(a) within three weeks of being served on the owner, in the case of non-hazardous non-compliance;

(b) within ten days of being served on the owner, in the case of hazardous non-compliance; and

(c) immediately upon being served on the owner, in the case of immediately dangerous non-compliance.

2.3 EXTENSION OF TIME

Where the owner has demonstrated reasonable efforts to comply with an order but cannot comply with the order due to factors beyond his or her control, an inspector may extend the date for compliance.

2.4 ADDRESS FOR SERVICE OF ORDERS

Where an address for service must be determined, it shall be done as follows:

(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;

2.5 APPEAL OF ORDER TO COMMUNITY COMMITEE

An appeal from an order to remedy a contravention of this By-law may be made in accordance with The City of Winnipeg Charter to the Community Committee for the community in which the relevant property is located.

2.6 *PROCEDURE AT COMMUNITY COMMITTEE HEARING*

The Community Committee shall receive representations from the person responsible and any other person affected by the order who wishes to be heard and who provides an address for service of the decision of the Community Committee.

2.7 *APPEAL OF COMMUNITY COMMITTEE DECISION*

An appeal from a decision of the Community Committee may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Planning and Development.

2.8 *SERVICE OF DECISIONS*

Decisions of the Community Committee and the Standing Policy Committee on Planning and Development shall be served on the person responsible and any person who made representation before the Community Committee and, where an address for service must be determined, the address provided by the person at the Community Committee hearing may be used.

(e) by repealing subsection 3.1(3);

(f) by repealing Schedules "A" and "B" to the By-law.

68. By-law No. 5160/89

The Food Services Establishment By-law No. 5160/89 is amended:

(a) in the definition "Equipment", by adding after the word "includes", the words "*grinders, food display shelving*";

(b) in the definition "Food Service Establishment", by adding after the word "includes", the words "*bakeries, institutions, retail food stores*" and striking out the words "*retail food stores*" where they appear after the word "consumption";

(c) by repealing the definition "*Medical Health Officer*";

(d) by adding after the definition of "Public Health Inspector", the following definition:

"Retail Food Store" means any establishment or section of an establishment where food or food products are offered for sale to the ultimate consumer."

(e) by repealing section 3 and substituting the following:

"A Public Health Inspector may conduct inspections to take steps to enforce this by-law or remedy a contravention of this by-law in accordance with The City of Winnipeg Charter and for those purposes has the powers of a "designated

employee" under The City of Winnipeg Charter which powers shall not be further delegated by the Public Health Inspector."

(f) in subsection 5.6, by adding after the word "establishment", the words *"excluding retail food stores"*;

(g) by adding after section 12.7:

"12.8 Salads and other ready-to-eat foods shall be prepared in areas that are separate and with separate equipment and utensils, from raw meat processing areas."

(h) by adding after section 13.9:

"13.10 Frozen food stored or on display shall be maintained at an air temperature of –18 degrees Celsius (0 degrees Fahrenheit) or less.

13.11 Potentially hazardous foods shall not be sold in non-packaged self-serve bulk form.

13.12 Foods on display for self serve purposes in non-packaged bulk form excluding raw unprocessed fruits and vegetables, shall be protected from contamination by:

(a) clearly labeled containers equipped with a close-fitting hinged or sliding lids of sanitary design;

(b) display cases equipped with an effective food guard or canopy not more than 50 cm (21 inches) above the food display surface or counter top;

(c) clearly labeled gravity feed containers equipped with sanitary fittings may be used for free flowing or semi-liquid foods;

(d) display units or container tops that are at least 80 cm (34 inches) above floor level;

(e) distinctly separating foods, containers and dispensing utensils not intended for human consumption from those intended for human consumption;

(f) utilizing dispensers such as tongs, scoops and pumps that facilitate ease of product movement;

(g) provision of a program to maintain dispensing equipment and monitor customer movement in the self serve display area;

(h) posting of appropriate signs in the display area to instruct the public in the proper use of dispensing equipment;

(i) discarding of non-packaged bulk foods returned to the store.

13.13 Food sample demonstrations or promotions are subject to all applicable provision of this By-law."

(i) in subsection 15.2, by striking out *"Medical Health Officer"* and substituting "*Public Health Inspector"*.

(j) by adding after subsection 20.4:

"20.5 All retail food stores shall be provided with an adequate supply of hot water at a temperature of not less than 50 degrees Celsius for cleaning purposes.

(k) by adding after subsection 30.12:

"30.13 Every retail food store shall have at least one single compartment sink supplied with hot and cold potable water in or near the retail sales area. Hand wash basins in toilet compartments shall not be acceptable for this purpose."

(l) by repealing section 33 and substituting:

"33. The Public Health Inspector may enter any food service establishment for the purpose of making inspections to determine compliance with this By-law in accordance with the City of Winnipeg Charter.";

(m) by repealing subsections 34.2 and 35.2;

(n) by repealing section 36 and substituting:

"<u>Notices, Orders and Appeals</u>

36.1 An order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

36.2 A notice, decision or order shall contain the information and be served in accordance with The City of Winnipeg Charter.

36.3 Where an address for service must be determined, it shall be done as follows:

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

(b) it shall be the street address shown on the permit or application may be used; and

(c) if the person to be served is the occupant of real property, the street address for that property may be used.

36.4 Notwithstanding subsection 36.2, when an emergency arises that effects the health of persons, the Public Health Inspector may:

(a) condemn any food or any material which in his opinion is insanitary or creates, or may create, an insanitary condition and order its immediate destruction in a manner satisfactory to the Public Health Inspector; or

(b) where an insanitary condition exists in a food service establishment; and

(i) serve a closing notice on the operator or the person in charge;

(ii) placard the premises;

(iii) post a copy of said closing notice in a conspicuous place in the office of the Public Health Inspector;

(c) upon service of such a notice, the food service establishment shall be closed immediately and not re-opened until authorization in writing by the Public Health Inspector is given;

(d) no person shall operate or allow the operation of a food service establishment which has been closed;

and there shall be no appeal from such an order or notice. Service of such an order or notice shall be effective once served in person on the owner, operator or person in charge.

36.5 Subject to subsection 36.4, an appeal from an order to remedy a contravention of this by-law or a notice or decision under section 5 or subsections 34.1 or 35.1 may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Protection and Community Services."

(o) by repealing section 37 and substituting:

"37. A person or corporation who contravenes a provision of the By-law is guilty of an offence and is liable upon summary conviction:

(a) for a first offence, to a fine of not less than $50.00;

(b) for a second offence, to a fine of not less than $100.00;

(c) for a third or subsequent offence, to a fine not less than $200.00;

(d) notwithstanding the penalties prescribed in clause (a), (b) and (c):

(i) an individual may also be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine of not more than $1,000.00, or both;

(ii) a corporation may be liable on summary conviction to a fine of not more than $5,000.00."

69. By-law No. 5288/89

By-law No. 5288/89 is amended by:

(a) striking out the preamble and "*NOW THEREFORE*";

(b) by adding at the end thereof:

"2. This by-law shall be known as the "In-Camera By-law".

70. By-law No. 5392/90

By-law No. 5392/90 is repealed.

71. By-law No. 5796/91

By-law No. 5796/91 is amended

(a) in the title, by striking out "*realty*" and substituting "*real and personal property taxes";*

(b) by repealing the preamble and "*NOW THEREFORE*";

(c) by repealing section 1 and substituting the following:

1. This By-law shall be referred to as the "Tax Penalty By-law".;

(d) in subsection 2(1),

(i) by striking out "*and (3), realty taxes"* and substituting ", *real and personal property taxes*";

(ii) by striking out the column heading "*Realty Taxes Due On*" and substituting "*Real and Personal Property Taxes Due On*";

(e) by repealing subsection 2(2) and substituting the following:

2(2) Supplementary taxes levied pursuant to section 341 of The City of Winnipeg Charter are due and payable on the last day of the month immediately following the month in which a supplementary tax notice is mailed by the tax collector.;

(f) by repealing subsection 2(3);

(g) in subsection 4(1), by striking "*penalty rate*" and substituting "*rate of interest*";

(h) by repealing subsection 4(4);

(i) in subsection 5(2),

(i) by striking out "*the 31st day of December*" and substituting "*December 31st,"*;

(ii) by striking out "*penalty rate*" where it first appears and substituting "*rate of interest to be paid as a penalty",*; and

(iii) by striking out "*penalty rate*" wherever it appears thereafter and substituting "*rate of interest";*

(j) in subsection 5(3), by striking out "*penalty rate*" and substituting "*rate of interest to be paid as a penalty".*

72. By-law No. 5850/92

By-law No. 5850/92 is amended by adding after section 10:

"11. This by-law shall be known as the Councillors' Compensation by-law".

73. By-law No. 5888/92

The Waterway By-law No. 5888/92 is amended:

(a) by repealing the first preamble clause and heading "*Explanation For Council Re: By-law No. 5888/92*".

(b) by striking out "*an applicant*" where it appears in the second preamble clause and substituting "*any person*".

(c) by repealing section 2.2 and substituting the following:

2.2 "designated committee of Council" means The Riverbank Management Committee:

(d) by repealing section 2.3 and substituting the following:

2.3 "Director" where this term is used in this By-law means the Director of Planning, Property and Development and his or her delegate.

(e) by adding the following:

PART 3
ADMINISTRATION

3.1 The Director shall administer and may take steps to enforce this by-law in accordance with The City of Winnipeg Charter and for those purposes has the powers of a designated employee under The City of Winnipeg Charter

(f) by striking out "*designated employee*" wherever it appears and substituting "*Director*".

(g) by renumbering Part 3 as Part 4 and renumbering sections 3.1 and 3.6 as 4.1 and 4.6.

(h) by renumbering section 3.2 as 4.2 and striking out "*By-law No. 5675/91, being*"

(i) by renumbering section 3.3 as 4.3 and striking out "*applicant*" and substituting "*person applying*".

(j) by renumbering section 3.4 as 4.4 and striking out "*section 3.3*" and substituting "*section 4.3*"

(k) by renumbering section 3.5 as 4.5 and striking out "*applicant*" and substituting "*person applying*".

(l) by renumbering section 3.7 as 4.7 and striking out "*By-law No. 5675/91, being*"

(m) by renumbering Part 4 as Part 5 and adding the following:

5.1 any order to remedy a contravention of this by-law must be issued in accordance with The City of Winnipeg Charter.

Where an address for service must be determined, it shall be done as follows:

(i) 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

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

(n) by renumbering section 4.1 as 5.2 and striking out "*section 3.1*", "*section 3.2*" and "*section 4.2*" and substituting therefore "*section 4.1*", "*section 4.2*" and "*section 5.3*".

(o) by repealing section 4.2 and substituting the following:

5.3 Where a person who is served with an order made under Section 5.2 fails to comply with such order, the Director may do or cause to be done all things necessary to carry out the order.

(p) by repealing section 4.3 and substituting the following:

5.4 The cost of any work done by the City under section 5.3 may be recovered by the City in accordance with The City of Winnipeg Charter

(q) by renumbering section 4.4 as 5.5

(r) by repealing sections 4.5, 4.6, 4.7, 4.8 and substituting therefor the following:

5.6 Any person who contravenes or disobeys or refuses or neglects to obey any provision of this By-law for which no other penalty is herein provided is guilty of an offence and is liable on summary conviction to the following penalties which shall not exceed $50,000:

(i) for a first offence, to a fine of not less than $1,000;

(ii) for a second offence, to a fine of not less than $2,500.00;

(iii) for a third offence, to a fine of not less than $5,000.

(s) by adding 5.7 as follows:

5.7 Notwithstanding the penalties prescribed in section 5.6, an individual may also be liable on summary conviction to imprisonment for a term not exceeding six (6) months or to both a fine specified herein and imprisonment.

(t) by adding 5.8 as follows:

5.8 *Where an offence occurs under this By-law and continues for more than one day, the person is guilty of a separate offence for each day the offence continues.*

(u) by renumbering PART 5 as PART 6

(v) by repealing section 5.1, 5.2 and 5.3 substituting the following:

6.1 *any person who is aggrieved by an order or a decision made pursuant to this by-law may in accordance with The City of Winnipeg Charter file a written notice of appeal with the office of the City Clerk which appeal will be heard by the*
Riverbank Management Committee and every decision of the Riverbank Management Committee shall be final and binding.

(w) by repealing Part 6 and sections 6.1 and 6.2

74. By-law No. 5894/92

By-law No. 5894/92 is amended:

(a) by repealing the definitions "*board of adjustment*", "*conditional use order*", "*council*", "*variance order*" and "*zoning by-law*" in section 1 and adding the following in alphabetical order.

"board" means the Board of Adjustment established by this By-law.

"conditional use order" means an order of the board in respect of an application for a conditional use

"council" means the council of the city and, where a delegation of authority is permitted, includes its delegate.

"variance order" means an order of the board or the director, in respect of an application for a variance.

"zoning by-law" has the same meaning as in The City of Winnipeg Charter."

(b) by adding the following definitions to section 1:

"conditional use" means a use of real property that might be approved under a zoning by-law.

"director" means the Director of Planning, Property and Development and his/her delegates."

(c) in the definition of "variance" in section 1, by striking out everything after "by-law".

(d) by striking out "*Director of Planning*" wherever it occurs and substituting "*director*".

(e) by repealing section 4 and substituting:

"4(1) The board shall:

(a) subject to section 6 of The Development Procedures By-law, hear and determine applications for all conditional uses and those variances not decided by the director, and shall make conditional use orders and variance orders accordingly, in accordance with The City of Winnipeg Charter;

(b) report to council on any proposed secondary plan by-law or zoning by-law referred to it by council for that purpose, and give notice of its report and recommendations and the meeting where council is to consider its report, in accordance with The City of Winnipeg Charter;

(c) consider and make a decision in respect of any application for approval or a plan of subdivision referred to it by council for that purpose;

(d) report and make recommendations to council on any other planning or development matter referred to it by council."

(2) The board may approve an application for a variance subject to conditions that will ensure that any development to be carried out under the variance meets the criteria set out in The City of Winnipeg Charter.

(3) The board may approve an application for a conditional use subject to conditions that will ensure such use meets the criteria set out in The City of Winnipeg Charter."

(f) by repealing section 5.

(g) in section 8, by striking out "*City*" and "*No. 5675/91*".

(h) by repealing sections 13 and 14 and substituting:

"13. The board shall sit in panels of three members selected by the Chairperson.

14(a) A panel has all the powers of the board.

(b) A hearing by a panel is a hearing by the board.

(c) A decision of a panel is a decision of the board."

(i) by repealing section 18 and the Note following it and substituting:

"18(a) The city must give notice of a hearing by the board respecting an application for a variance or a conditional use, in accordance with The City of Winnipeg Charter.

(b) The city shall give notice of any other hearing by the board in accordance with The City of Winnipeg Charter.

(c) The board shall give notice of its decision on an application for a variance or a conditional use, in accordance with The City of Winnipeg Charter.

(d) The board shall give notice of any other decision in accordance with The City of Winnipeg Charter.

(e) Where service of a decision or notice of a hearing is to be done by sending a copy of the decision or notice, including by ordinary mail, and an address for service must be determined, it shall be determined as follows:

(i) 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;

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

(iii) the address for service provided by the person to be served, in an application to the board or the city under this By-law."

(j) by repealing subsection 19(1) and substituting:

"19(1) In addition to English, every person is entitled, upon notice, to use French in a proceeding of or before the board with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in French."

(k) by striking out all references to *The City of Winnipeg Act* in Schedule "A".

(l) by adding the following after section 19:

"20. This by-law shall be referred to as the "Board of Adjustment By-law".

75. By-law No. 5893/92

The Development Procedures By-law No. 5893/92 is amended:

(a) in the title to the By-law, by striking out everything after “procedures under” and substituting “*Part 6 of The City of Winnipeg Charter*.”

(b) after the title to the By-law, and before section 1, by adding

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

(c) in the definition “appeal committee” in section 2, by striking out “*Policy*”.

(d) by repealing the definitions “*conditional use*”, “*conditional use order*”, "*construction*", “*development application*”, “*variance order*” “*zoning tolerance*” and “*zoning by-law*” in section 2 and adding the following in alphabetical order:

“conditional use” means a use of real property that might be approved under a zoning by-law.

“conditional use order” means an order in respect of an application for a conditional use.

“development application” means an application for

(a) adoption of, or an amendment to, a zoning by-law;

(b) approval of a plan of subdivision, conditional use or variance; or

(c) consent to registration or filing of a conveyance.

“variance order” means an order in respect of an application for a variance.

“zoning tolerance” means

(i) in the case of a variance of any yard or space separation, a variance not exceeding 5% of the requirement set out in the applicable zoning by-law or 0.3 m, whichever is the greater; and

(ii) in any other case, a variance not exceeding 5% of the requirement set out in the applicable zoning by-law.

“zoning by-law” has the same meaning as in The City of Winnipeg Charter.”

(e) in the definition “director” in section 2, by striking out everything after “Development” and substituting “*his/her delegates*”.

(f) in the definition “variance” in section 2, by striking out everything after “by-law”.

(g) in section 3(1), by striking out everything after “in accordance with” and substituting “*The City of Winnipeg Charter*”.

(h) by repealing subsections 3(3), (4) and (9) and substituting:

"(3) The director may refuse a development application without a hearing, in accordance with The City of Winnipeg Charter."

(i) by repealing subsections 3(5) and (6) and substituting:

"(5)(a) Where the director refuses a development application under subsection 3(3) for non-conformance with a secondary plan, the director shall serve a copy of that decision on the applicant, in accordance with The City of Winnipeg Charter..

(b) The applicant may appeal the director's decision in subsection (5)(a) to the Standing Policy Committee on Property and Development, and the appeal shall be conducted in accordance with section 189 of The City of Winnipeg Charter.

(c) The Standing Policy Committee on Property and Development shall review an application which is the subject of an appeal under subsection (5)(b), hear any representations from the applicant concerning the application's conformance with the applicable secondary plan, make a decision and serve a copy of its decision on the applicant in accordance with The City of Winnipeg Charter. Where the Standing Policy Committee on Property and Development refuses the application, it shall record in its minutes the reasons for the refusal, and shall provide a copy of the reasons to the applicant on request.

(6)(a) Where the director refuses a development application under subsection (3)(2) for non-conformance with Plan Winnipeg, the director shall serve a copy of that decision on the applicant, in accordance with The City of Winnipeg Charter.

(b) The applicant may appeal the director's decision in subsection (6)(a) to the Executive Policy Committee, and the appeal shall be conducted in accordance with section 189 of The City of Winnipeg Charter.

(c) The Executive Policy Committee shall review an application which is the subject of an appeal under subsection (6)(b), hear any representations from the applicant concerning the application's conformance with Plan Winnipeg, make a decision and serve a copy of its decision on the applicant in accordance with The City of Winnipeg Charter. Where the Executive Policy Committee refuses the application, it shall record in its minutes the reasons for the refusal, and shall provide a copy of the reasons to the applicant on request."

(j) by striking out the heading to section 4 and substituting:

"PUBLIC HEARING ON ZONING BY-LAW, SUBDIVISION APPROVAL OR PLAN WINNIPEG BY-LAW

(k) in subsection 4(1), by striking out "*Part 20*" wherever it occurs and substituting "*Part 6*", and by striking out "Act" wherever it occurs and substituting "Charter".

(l) in subsection 4(3), by striking out "*Subject to section 6, a*" and substituting "*A*".

(m) in subsection 5(1), by striking out "*sections 632 to 645 of The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*[7]".

(n) by striking out the heading to section 6 and substituting "*COMBINED HEARING*".

(o) in subsection 6(1), by striking out "*a variance order or a conditional use order*" and substituting "*or an application for approval of a variance or a conditional use*,".

(p) in subsection 6(2), by striking out everything after "Committee".

(q) in subsection 6(3)(b), by striking out "Act" and substituting "Charter", and by adding the following after "Development":

", in accordance with The City of Winnipeg Charter."

(r) by repealing section 7 and substituting:

"SUBDIVISION BY "SHORT-FORM" OR CONSENT

7. An application for

(i) approval of a plan of subdivision under subsection 256(1)(b) of The City of Winnipeg Charter, or

(ii) a consent under section 260 of The City of Winnipeg Charter,

shall be referred to the Standing Policy Committee on Property and Development as the authorized committee under those sections."

(s) in subsection 8(1), by striking out "*Part 20 of The City of Winnipeg Act*" and substituting "*subsection 4(1) or (2)*".

(t) renumbering subsections 8(1) and 8(2) as subsections 4(2.1)(a) and 4(2.1)(b) respectively.

(u) by repealing sections 9, 10 and 11 and substituting:

"NOTICE OF HEARING OR DECISION

9(1) Notice of hearings held under Part 6 of The City of Winnipeg Charter shall be given in accordance with The City of Winnipeg Charter.

(2) A decision under this By-law shall be prepared and served in accordance with The City of Winnipeg Charter.

(3) Where a decision or notice of hearing is to be served or given by sending it, and an address for service must be determined, it shall be determined as follows:

(i) 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;

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

(iii) the address for service provided by the person to be served, in an application to the City under this By-law; or

(iv) the address provided by the person to be served, in a representation.

NOTICE BY POSTING

10. Where a notice, order or other document is permitted or required to be posted on a building or parcel of land, the notice, order or document must be:

(a) at least 215.9 mm by 279.4 mm (8.5 inches by 11 inches) in dimension, or of such larger size as the director considers appropriate in the circumstances;

(b) printed in legible characters of at least 10 point size, or of such larger size as the director considers appropriate in the circumstances; and

(c) maintained in good condition.

NOTICE OF COMMITTEE REPORT

11. Where a hearing body conducts a hearing under Part 6 of The City of Winnipeg Charter for the purpose of making a recommendation to council

respecting a proposed by-law or an application, and submits a report to council, the city shall give notice of the report and the meeting where council is to consider the report, in accordance with The City of Winnipeg Charter."

(v) in section 12, by striking out "*Act*" and substituting "*Charter*".

(w) by repealing section 13 and substituting:

"NOTICE OF BOARD OF ADJUSTMENT ORDER AND RIGHT TO APPEAL

13(1) Where the Board of Adjustment makes a decision on an application for a variance or a conditional use, the secretary of the Board of Adjustment or his/her delegate shall give notice of the decision by ordinary mail to the applicant and each person who made submissions at the hearing respecting the application, in accordance with The City of Winnipeg Charter."

(2) Any decision by the Board of Adjustment on an application for a variance or a conditional use may be appealed to the appeal committee, in accordance with The City of Winnipeg Charter."

(3) Where a decision of the Board of Adjustment on an application for a variance or a conditional use is appealed, the city shall give notice of the appeal hearing in accordance with section 9. The appeal committee shall conduct a hearing on the appeal and give its decision on the appeal, in accordance with The City of Winnipeg Charter."

(x) by repealing subsection 14(1) and substituting:

"14(1) The director may consider and make decisions in respect of applications for the types of variances specified in subsection (2), in accordance with The City of Winnipeg Charter."

(y) in subsection 14(2), by striking out "*The director may make an order allowing or rejecting any of the following variances*" and substituting:
"The director may consider and make decisions in respect of applications for the following types of variances:"

(z) by adding the following after subsection 14(2):

"(3) The director may approve an application for a variance subject to conditions that will ensure that any development to be carried out under the variance meets the criteria set out in The City of Winnipeg Charter. The director shall not make the approval of a variance subject to conditions unless the applicant for the variance has been given a reasonable opportunity to make submissions respecting the variance."

(aa) by repealing sections 15 and 16.

(bb) in section 17:

(a) in the heading, by striking out everything after "TOLERANCES"; and

(b) by striking out "*varying a zoning requirement by not more than 5%*".

(cc) by repealing sections 18, 19, 20, 21 and 22.1 and substituting:

"NOTICE OF DIRECTOR'S VARIANCE ORDER AND RIGHT TO APPEAL

18(1) When the director makes a decision on an application for a variance, the director shall give notice of the decision in accordance with The City of Winnipeg Charter.

(2) Any decision by the director on an application for a variance may be appealed to the appeal committee, in accordance with The City of Winnipeg Charter.

(3) Where a decision of the director on an application for a variance is appealed, the city shall give notice of the appeal hearing in accordance with section 9. The appeal committee shall conduct a hearing on the appeal and give its decision on the appeal, in accordance with The City of Winnipeg Charter.

(dd) by adding the following heading prior to section 22.2:

"APPEAL COMMITTEE"

(ee) by repealing section 23 and substituting:

"23. At a hearing, the appeal committee must hear any person who may be affected by the result of the hearing and who wishes to make submissions, ask questions or register objections on their own behalf or on behalf of others."

(ff) by repealing section 26;

(gg) by repealing s 28.1 and 28.2 and substituting:

"TERMINATION OF VARIANCE OR CONDITIONAL USE

28.1 The director may terminate an approval of a variance or a conditional use in accordance with The City of Winnipeg Charter."

(hh) in section 29, by striking out "*City*".

(ii) by adding the following after section 31:

"32. The director has the powers of a "designated employee" under The City of Winnipeg Charter."

76. By-law No. 5895/92

The Boulevard Maintenance By-law No. 5895/92 is amended

(a) in section 2,

(i) by repealing the definition "***Boulevards***" and substituting the following:
*"**Boulevard**" has the same meaning in this By-law as it has in The City of Winnipeg Charter.*

(ii) by repealing the definition of "***Commissioner***", "***Committee***" and ***"Person"***; and

(iii) by adding the following in alphabetical order:
"Centre Medians" *means the area separating the roadways of a divided highway.*
"Director" *means the Director of Public Works or any other employee of the City to whom the Director has delegated authority to enforce or administer all or part of this By-law.*
"Extended Boulevards" *means unusually wide boulevards that are designed to accommodate future street development.*
"Person" *has the same meaning in this by-law as it has in the City of Winnipeg Charter.*
"Rearages" *means boulevards on a right of way that are located at the rear of a property.*
"Regional Streets Boulevards" *means boulevards located on the Regional Streets System identified under Schedule "E" of the Streets By-law No. 1481/77.*
"Traffic Islands" *means unpaved, isolated areas with the public right-of-way, including cul-de-sacs and service road islands.*
"Unimproved Ditches" *means ditched boulevards fronting property that have not be improved by means of landscaping or by regular homeowner maintenance.*

(b) by renumbering section 2 as "*2(1)*" and adding the following immediately after it:
DESIGNATED EMPLOYEES
2(1) The Director and his or her delegates 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."

(c) by striking out "*commissioner*" wherever it appears and substituting *"Director*";

(d) by repealing sections 3 and 4 and substituting the following:
RESPONSIBILITY FOR MAINTENANCE

3(1) Subject to section 4, every owner or occupant of land in the City shall maintain boulevards that abut or flank the land that he or she owns or occupies.

3(2) The responsibility for maintaining a boulevard includes the responsibility to ensure that grass and other ground vegetation does not exceed 25 centimeters in length.

CITY'S RESPONSIBILITIES

4 The City is responsible for maintaining the following boulevards:

(a) regional streets boulevards;

(b) centre medians;

(c) traffic islands;

(d) unimproved ditches;

(e) rearages;

(f) extended boulevards.

(e) in section 12, by striking out "*the City"* and substituting *"the Director*";

(f) in section 23, by adding *"from the Director"* at the end of the section;

(g) in section 24, by adding *"deeper than 30 centimeters"* following *"excavation"*.

(h) by repealing sections 26 to 32 and substituting the following:

COMPLIANCE ORDERS

26. Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

ADDRESS FOR SERVICE OF ORDERS AND DECISIONS

27. Where it is necessary to determine an address for service, it shall be done as follows:

(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 may be used;

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

(c) if the document to be served is a copy of a decision, the address provided by the person when requesting permission or applying for a permit or approval may be used .

APPEALS OF ORDERS AND DECISIONS

28. An appeal from an order to remedy a contravention of this By-law or a decision made by the Director may be appealed in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

77. By-law No. 5949/92

By-law No. 5949/92 is amended:

(a) in the title, by striking out "realty" and substituting "real property, personal property;

(b) in section 1, by striking out "realty" and substituting "real property, personal property";

(c) by adding the following after section 2:

3. This by-law shall be referred to as the "Storage of Assessment and Tax Rolls" by-law.

78. By-law No. 6001/92

The Bio-medical Waste Sharps By-law No. 6001/92 is amended

(a) in subsection 2.4, by striking out "*as incorporated under The City of Winnipeg Act S.M. 1989-90, c. 10, and any amendments hereafter to be made thereto*";

(b) by repealing subsection 2.5 and substituting the following:

2.5 "Director" means the Director of Water and Waste for the City of Winnipeg or an employee of the City to whom the Director has delegated authority to enforce or administer all or part of this By-law.

(c) by repealing subsection 2.8;

(d) by striking out "*Commissioner*" or *"Commissioner of Works and Operations"* wherever these terms appear and substituting "*Director*";

(e) by repealing subsection 3.1 and substituting the following;

3.1 The Director and his or her delegates 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.

(f) by repealing subsection 4.2 and substituting the following:

4.2 ***Carrier Permits***

Upon application, the Director may issue a carrier permit to a carrier if sufficient evidence is provided by the applicant to satisfy the Director that the personnel, equipment and vehicles proposed for the transportation of biomedical waste sharps are appropriate for this purpose.

(g) by repealing subsection 4.7 and substituting the following:

4.7 ***Length of Carrier Permit***

A carrier permit is valid for two years unless suspended or revoked prior to its expiration.

4.8 ***Suspension of Carrier Permit***

The Director may suspend a carrier permit immediately for a period of up to 30 days if the Director has reasonable grounds to believe that the permit holder has violated this By-law or otherwise has transported biomedical waste sharps in an unsafe manner, but must reinstate the permit as soon as he or she no longer has reasonable grounds for this belief.

4.9 ***Revocation of Carrier Permit*** *The Director may at any time, and must within 30 days of suspending a carrier permit, hold a hearing to determine whether a carrier permit should be revoked. A carrier permit may not be revoked without a hearing.*

4.10 ***Revocation Hearing Procedure***

In conducting the revocation hearing, the Director must:

a) *ensure that the holder of the carrier permit has been given at least five days notice of the hearing by personal service, or by registered mail, delivery or facsimile transmission addressed to*

the address provided by the permit holder when applying for the permit;

b) *allow the permit holder to be represented by counsel, to adduce evidence and to cross-examine witnesses.*

4.11 ***Decision to Revoke Permit***

The Director may revoke a carrier permit if he concludes that the permit holder poses an unacceptable risk for the future transportation of biomedical waste sharps.

4.12 ***Effect of Revocation***

A person whose permit has been revoked is not eligible to apply for another permit for a period of 1 year.

(h) by repealing section 6 and substituting the following:

6.1 ***Compliance Orders***

Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

6.2 ***Address for Service of Documents***

Orders and decisions made pursuant to this By-law must be served in accordance with The City of Winnipeg Charter and where an address for service must be determined, it shall be done as follows:

(a) if directed to a carrier, the address provided by the carrier when applying for a permit may be used; and

(b) if directed to a waste generating facility, the address of the waste generating facility may be used.

6.2 ***Appeals***

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

(i) by repealing the "Whom to Contact" Guide appended to the By-law.

79. By-law No. 6048/92

By-law No. 6048/92 is amended

(a) by striking out the word "*realty*" in the title and substituting "*real and personal property taxes* ";

(b) by repealing the preamble and "*NOW THEREFORE*";

(c) in section 1, by striking out the words "*annual realty and business tax levies and any other tax levies added to the realty tax roll or the business roll*" and substituting "*annual real and personal property taxes, business taxes, and any other taxes which are added to the real property roll, the personal property roll, or the business tax roll";*

(d) by striking out the words "*realty taxes*" wherever they appear and substituting "*real and personal property taxes*";

(e) by striking out the words "*realty tax*" wherever they appear and substituting "*real and personal property tax*";

(f) by striking out the words "*realty tax rol*l" wherever they appear and substituting "*real property tax roll or the personal property tax roll";*

(g) by adding the following immediately after section 13:

13.1 This by-law shall be referred to as the Tax Instalment Payment Plan By-law.

80. By-law No. 6087/93

By-law No. 6087/93 is amended by adding:

(a) by adding the following after the title:

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

(b) by adding the following definition in section 1:

"director" means the Director of Planning, Property and Development and his/her delegates.

(c) in section 4, by striking out "*or town planning scheme*".

(d) by adding the following after section 4:

"5(1) The director 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, has the powers of a "designated employee" under The City of Winnipeg Charter.

(2) Without limiting the generality of subsection (1), in accordance with The City of Winnipeg Charter the director may issue an order to remedy a contravention of this By-law, requiring the person responsible for the contravention to remedy it.

(3) An order issued under subsection (2) shall be prepared and served in accordance with The City of Winnipeg Charter.

(4) Where service under subsections (3) is done by sending a copy of the order, and an address for service must be determined, it shall be determined as follows:

(i) 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; or

(ii) if the person to be served is the occupant of real property, the street address for that property.

(5) An appeal from an order or decision of the Director under this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

(6) This by-law shall be referred to as the "X-Rated Store Zoning By-law".

81. By-law No. 6123/93

By-law No. 6123/93 is amended by adding the following immediately after section 2:

3. This By-law shall be referred to as the Taxicab Licence Fee By-law.

82. By-law No. 6162/93

By-law No. 6162/93 is repealed.

83. By-law No. 6229/93

By-law No. 6229/93 is repealed.

84. By-law No. 6283/93

By-law No. 6283/93 is amended by adding the following immediately after section 2:

3. This By-law shall be referred to as the Sunday and Holiday Shopping By-law.

85. By-law No. 6311/94

By-law No. 6311/94 is amended:

(a) by adding after Section 1 the following:

"*1.1. This by-law shall be known as the Fire Paramedic Service By-law*".

(b) in subsection 2(1), by striking out "*In accordance with The City of Winnipeg Act there*" and substituting "There".

(c) in subsection 2(2) by striking out "*it*" and substituting "*he/she*";

(d) in subsection 2(2) by:

(i) striking out "*Association*" and substituting "*Associations*";

(ii) by striking out "*firefighter*" and substituting "*personnel*".

(e) in subsection 3(3) by:

(i) striking out "*Association then*" and substituting "*Associations*";

(ii) by striking out "*The Firefighters*" and substituting "*the personnel*".

(f) in section 11, by repealing subsections (2) and (3).

(g) by repealing section 12.

86. By-law No. 6378/94

By-law No. 6378/94 is amended by adding the following after the first paragraph

1. This By-law shall be referred to as the "Airport Vicinity Protection Area Secondary Plan By-law".

87. By-law No. 6391/94

By-law No. 6391/94 is amended by adding the following after the first paragraph

1. This By-law shall be referred to as the "Wilkes South Secondary Plan By-law".

88. By-law No. 6400/94

By-law No. 6400/94 is amended:

(a) in the title to the by-law, subsection 150(1)(b) and the definitions of "Development application" and "Lot, zoning" in section 210, by striking out "*the City of Winnipeg Act*" and substituting "The City of Winnipeg Charter";

(b) in the definition of "Conditional use" in section 210, by striking out "*Part 20 of The City of Winnipeg Act*" and substituting "*Part 6 of The City of Winnipeg Charter";*

(c) in the definition of "Director" in section 210, by striking out everything after "*Director of*" and substituting "*Planning, Property and Development and his/her delegates*";

(d) by repealing the definition of "*Zoning by-law*" in section 210 and substituting:

"Zoning by-law" has the same meaning as in The City of Winnipeg Charter;";

(e) by repealing subsections 140(1) and (2) and substituting:

"140(1) DUTIES AND POWERS

(a) The director 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, has the powers of a "designated employee" under The City of Winnipeg Charter.

(b) Without limiting the generality of subsection 140(1)(a), in accordance with The City of Winnipeg Charter the director may issue an order to remedy a contravention of this By-law, requiring the person responsible for the contravention to remedy it.

(c) An order issued under subsection 140(1)(b) shall be prepared and served in accordance with The City of Winnipeg Charter.

(d) A recommendation or decision under this By-law shall be prepared and served in accordance with The City of Winnipeg Charter.

(e) Where service under subsections 140(1)(c) or (d) is done by sending a copy of the recommendation or decision, and an address for service must be determined, it shall be determined as follows:

(i) 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;

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

(iii) the address for service provided by the person to be served, in an application to the City under this By-law.

(f) The director shall not issue any permit to any person who has failed to pay any fees due and owing to the City under this By-law.

(g) The director shall not issue any permit to any person where such issuance would result or lead to a violation of this or any other By-law of the City."

(f) by repealing subsection 140(5) and substituting:

"140(5) APPEAL

An appeal from an order or decision of the director under this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

(g) by repealing subsection 150(1)(b)(i) and substituting:

"(i) shall not molest, obstruct or interfere with the director or his/her delegates in the discharge of their duties under this By-law;"

(h) in subsection 723(2), by striking out "*Designated Administrator*" wherever it appears and substituting "*Director*".

(i) in subsections 824(1) and 960(1), by striking out "*Committee on Planning and Community Services*" and substituting "*Standing Policy Committee on Property and Development*";

(j) in subsection 824(2), by striking out "*Community Services*" and substituting "*Planning, Property and Development*".

(k) in subsection 1280(3)(a), by striking out "*City of Winnipeg*" and substituting "*director*".

(l) in subsection 1280(4)(c), by adding "*Development*" after "Winnipeg".

(m) by striking out "*Land and Development Services*" wherever it appears and substituting "*Planning, Property and Development*".

89. By-law No. 6418/94

By-law No. 6418/94 is amended:

(a) by repealing the preamble;

(b) in subsections 3.2 and 3.4(b), by striking out "*The City of Winnipeg Act*" an substituting "*The City of Winnipeg Charter*";

(c) by adding the following after section 4:

"5(1) The director 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, has the powers of a "designated employee" under The City of Winnipeg Charter.

(2) Without limiting the generality of subsection (1), in accordance with The City of Winnipeg Charter the director may issue an order to remedy a contravention of this By-law, requiring the person responsible for the contravention to remedy it.

(3) An order issued under subsection (2) shall be prepared and served in accordance with The City of Winnipeg Charter.

(4) Where service under subsection (3) is done by sending a copy of the order, and an address for service must be determined, it shall be determined as follows:

(i) 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; or

(ii) if the person to be served is the occupant of real property, the street address for that property.

(5) An appeal from an order or decision of the director under this By-law may be made in accordance with The City of Winnipeg Charter[4] to the Standing Policy Committee on Property and Development."

(6) In this By-law,

"director" means the Director of Planning, Property and Development and his/her delegates.

(7) This By-law shall be referred to as the "Airport Vicinity Protection Area Zoning By-law"."

90. By-law No. 6490/94

By-law No. 6490/94 is amended:

(a) by striking out the preamble and the words "*NOW THEREFORE*".

(b) in section 1, by striking out the world "*Act*" and substituting "*Charter*".

(c) by adding at the end thereof, the following sections:

"5. An appeal from a decision under this by-law may be made in accordance with The City of Winnipeg Charter to the Standing Committee on Fiscal Issues.

6. This by-law shall be known as the "Refund of Excess Gas Tax By-law".

91. By-law No. 6544/94

By-law No. 6544/94 is repealed.

92. By-law No. 6546/95

The Private Approaches By-law No. 6546/95 is amended:

(a) in subsection 2(2) by:

(i) striking out the definitions of *"Boulevard", "City", "Owner",* and *"Street"*;

(ii) striking out the definition of *"Commissioner"* and adding the following in alphabetical order:
"Director" means the Director of Public Works;

(iii) striking out *"Committee on Works and Operations"* and substituting *"Standing Policy Committee on Public Works"*.

(b) by striking out *"Commissioner"* wherever it appears in the By-law and substituting *"Director"*;

(c) in subsection 6(a) by:

(i) striking out *"after having given seven(7) days notice in writing to the owner"* and substituting *"after having issued an order in accordance with the City of Winnipeg Charter, requiring the work to be done within a reasonable period of time but not less than seven days from the date of the order,";*

(ii) striking out *"to the Committee within the said seven (7) days"* and substituting *"in accordance with the City of Winnipeg Charter"*;

(d) in subsection 10(2)(a) by striking out *"within fourteen (14) days of the mailing of a letter of refusal by the Commissioner, appeal in writing to the Secretary of the Committee"* and substituting *"appeal to the Secretary of the Committee, in accordance with the City of Winnipeg Charter"*;

(e) in subsection 10(2)(b) by striking out *"within fourteen (14) days of the mailing of a letter of refusal by the Commissioner"* and substituting *"appeal to the Secretary of the Committee in accordance with the City of Winnipeg Charter"*;

93. By-law No. 6547/95

The Winnipeg Parking Meter By-law No. 6547/95 is amended:

(a) in subsection 2(2) by striking out the definition of *"Street"*;

(b) in subsection 10(e) by striking out *"pursuant to Subsection 510(2) of The City of Winnipeg Act*";

(c) by striking out *"Commissioner of Works and Operations"* wherever it appears in the By-law and substituting *"Director of Public Works".*

94. By-law No. 6548/95

By-law No. 6548/95 is amended:

(a) by repealing section 1;

(b) by adding the following after section 8:

9. This By-law shall be referred to as the "Snow Emergency By-law".

95. By-law No. 6549/95

The Private Parking By-law No. 6549/95 is amended:

(a) in section 1 by striking out the definition of *"Person"*;

(b) by repealing the preamble and "*NOW THEREFORE*";

(c) by adding the following after section 14:

15. This By-law shall be referred to as the "Private Parking By-law".

96. By-law No. 6551/95

The City of Winnipeg License By-law No. 6551/95 is amended

(a) by striking out *"Commissioner of Works and Operations"* wherever it appears in the By-law and substituting *"Director of Public Works";*

(b) by striking out *"Director of Land and Development Services"* wherever it appears in the By-law and substituting *"Director of Planning, Property and Development"*;

(c) by striking out *"Director of Water and Waste Operations"* wherever it appears in the By-law and substituting *"Director of Water and Waste"*;

(d) by striking out *"Fire Chief"* wherever it appears in the By-law and substituting *"Fire and Paramedic Chief"*;

(e) by striking out *"Manager of Building Services"* wherever it appears in this By-law and substituting *"Manager of Development and Inspections";*

(f) by striking out *"Committee on Planning and Community Services"* wherever it appears in this By-law and substituting *"Standing Policy Committee on Property and Development"*;

(g) in section 2,

(i) in the definition of ***"Act"*** by striking out "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*";

(ii) by repealing the definitions of "***boulevard"***, ***"carry on"***, ***"person"***, ***"street"*** and "***trade***";

(h) by striking out "*trade*" and "*trades*" wherever they appear in section 3 and thereafter and substituting "*business*" and "*businesses*", respectively;

(i) by repealing subsection 3(11) and substituting the following:

(11) This By-law does not apply to

(a) the sale of agricultural produce grown in Manitoba if the sale is made by the individual who produced it, a member of the immediate family of the individual, or another individual employed by the individual;

(b) the operation of a public utility that is governed by statute or that is carried on under an agreement between the operator of the utility and the city; and

(c) the carrying on of a railway.

(j) by repealing clause 4(4)(d) and substituting the following:

(d) (i) A decision of the Record Review Board concerning a certificate must be given to the applicant in accordance with The City of Winnipeg Charter.

(ii) Where it is necessary to determine an address for service, the address provided by the person in his or her application for a certificate may be used.

(k) by repealing clause 4(4)(e) and substituting the following:

(e) An appeal from a decision of the Record Review Board concerning a certificate referred to in clause (c) may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development.

(l) by repealing clause 4(5)(b) and substituting the following:

(b) An appeal from a decision of the Manager of Development and Inspections concerning a certificate referred to clause (a) may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development.

(m) in clause 4(10)(e), by adding "*and who provides an address for service of the decision of the Community Committee*" immediately after "*any other person who desires to be heard*";

(n) by adding the following immediately after clause 4(10)(e):

(e.1) The Chief License Inspector shall give a copy of the decision of the Community Committee in accordance with The City of Winnipeg Charter to the applicant and any person who made representations before the Community Committee and who provided an address for service of the decision.

(o) by repealing clause 4(10)(f) and substituting the following:
An appeal from a decision of the Community Committee may be made in accordance with The City of Winnipeg Charter to the ??????.

(p) by repealing subsection 8(4);

(q) in subclause 9(1)(b)(ii), by striking out "*and of subsections 524(2) to 524(8) of the Act*";

(r) in clause 9(1)(d), by striking out "*The Chief Licence Inspector shall mail notice of the suspension to the licencee together with written reasons for the decision.*" and substituting the following:

The Chief Licence Inspector shall give a copy of this decision and written reasons for the decision to the licencee in accordance with The City of Winnipeg Charter. Where an address for service must be determined, the address provided by the person in the application for the licence may be used.

(s) in clause 9(2)(b), by striking out *"The Chief of Police shall mail a notice of the revocation to the licencee together with written reasons for the decision"* and substituting the following:
The Chief of Police shall give a copy of this decision and written reasons for the decision to the licencee in accordance with The City of Winnipeg Charter. Where an address for service must be determined, the address provided by the person in the application for the licence may be used.

(t) by repealing clauses 9(2)(c), (d) and (e) and subsections 9(3) and 9(4) and substituting the following:
9(2)(c) An appeal from the revocation of a licence may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development.

(u) by repealing subsection 10(3) and the "Note" following that subsection and substituting the following:
10(3) The Chief License Inspector and his/her delegates 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.

97. By-law No. 6581/95

By-law No. 6581/95 is amended as follows:

(a) by repealing the preamble;

(b) by repealing section 3 and substituting the following:

"The Chief of Police and his delegates shall administer and may take steps to enforce 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.

(c) by repealing section 8 and substituting the following:

8 PENALTY

A person who contravenes a provision of this By-law is guilty of an offence and is liable on summary conviction to the following penalties, which shall not exceed $50,000.00:

(a) for the first offence, to a fine of not less than $1,000.00;

(b) for a second offence, to a fine not less than $2,500.00;

(c) for a third and subsequent offence, to a fine of not less than $5,000.00.

8.1 Notwithstanding the penalties prescribed in Section 8, an individual may also be liable on summary conviction to imprisonment for a term not exceeding six (6) months or to both a fine as specified herein and imprisonment.

8.2 In the absence of other evidence or by way of corroboration of other evidence, a court may infer from the evidence of the peace officer relating to the conduct of a person or persons, whether ascertained or not, that a noise nuisance as described in this By-law was caused or incurred.

9. Any person who deems himself aggrieved by the decision of the Chief of Police may, in accordance with the City of Winnipeg Charter file an appeal with the Office of the City Clerk, which appeal shall be heard by the Standing Policy Committee on Protection and Community Services and every decision of the Standing Policy Committee on Protection and Community Services shall be final and binding.

10. This by-law shall be known as "The Frozen Waterways By-law."

98. By-law No. 6726/95

By-law No. 6726/95 is amended:

(a) by repealing the preamble and "*NOW THEREFORE*";

(b) by repealing section 2;

(c) by striking out the definition "off-road vehicle" and adding the following in alphabetical order:

"Vehicle" means an off-road vehicle and a four-wheel drive motor vehicle, motorcycle or snow vehicle that is registered under The Highway Traffic Act and operated other than upon the roadway or shoulder, but does not include any of those vehicles registered under The Highway Traffic Act and operated upon a roadway or shoulder";

(d) by repealing section 4;

(e) by striking out *"off-road vehicle"* wherever it appears in the By-law and substituting *"vehicle"*.

(f) by repealing section 8 and substituting the following:

8. This By-law shall be administered by the Director of Community Services, who shall hereinafter be referred to as "the Director". The Director may delegate, from time to time, some or all of the powers vested in him/her by this By-law to the Chief of Police;

(g) by striking out *"Commissioner"* wherever it appears in the By-law and substituting *"Director"*

99. By-law No. 6875/96

By-law No. 6875/96 is repealed.

100. By-law No. 6916/96

The Civic Charities Applications and Permits By-law No. 6916/96 is amended

(a) in section 2,

(i) by repealing the definition of "*designated administrator*" and substituting the following:

"designated employee" means the Director of Community Services or his/her delegate.

(ii) by repealing the definition "*designated committee*".

(b) by adding the following immediately after section 2:

ADMINISTRATION

3. The Director of the Community Services Department and his/her delegate shall administer and may take steps to 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.

(c) by renumbering section 3 as 4.

(d) by striking out "*designated administrator*" wherever it appears and substituting "*designated employee*"

(e) by renumbering sections 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 as 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15, respectively.

(f) by repealing section 13 and substituting the following:

14 APPEAL

Any charitable concern denied a permit by the designated employee may in accordance with the City of Winnipeg Charter file an appeal with the office of the City Clerk, which appeal shall be heard by the Standing Policy on Protection and Community Services of the City and every decision of the Standing Policy Committee on Protection and Community Services shall be final and binding.

101. By-law No. 6927/96

By-law No. 6927/96 is repealed.

102. By-law No. 6928/96

By-law No. 6928/96 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) by adding the following after section 3:

4. This by-law shall be referred to as the "Advertising Signs Business Tax By-law".

103. By-law No. 6930/96

By-law No. 6930/96 is repealed.

104. By-law No. 6946/96

The Library Board By-law No. 6946/96 is amended

(a) by striking out the definition "*Committee*" where it appears in section 2;

(b) by striking out "*Committee on Planning and Community Services*" wherever it appears and substituting "*Standing Policy Committee on Protection and Community Services.*"

105. By-law No. 6965/97

By-law No. 6965/97 is amended:

(a) in section 2, by adding the following definitions:

"City" means, as the case requires,

(a) the corporation known as "The City of Winnipeg", or

(b) the area of the City of Winnipeg as determined under The City of Winnipeg Charter;

"Council" means the council of the city, and where a delegation of authority is permitted, includes its designate;";

(b) in the heading for subsection 15.1, by striking out "*LAND AND DEVELOPMENT SERVICES*" and substituting "*PLANNING, PROPERTY AND DEVELOPMENT*".

(c) by repealing section 15.5 and substituting:

"15.5 AUTHORITY FOR DISTRIBUTION AND SALE OF BY-LAWS

The city clerk and his/her delegates are hereby authorized to have printed and published for distribution and sale all by-laws passed by Council, including any consolidation thereof as prepared from time to time."

(d) by adding the following after subsection 18.2:

"18.3 NOTICE OF REFUND OR WAIVER OF FEES

(1) Where the Standing Policy Committee on Planning and Development or the Director of Planning, Property and Development make a decision on whether to refund or waive all or part of a filing fee or advertising fee for any development application or a permit fee, the city shall serve a written copy of the decision on the applicant in accordance with The City of Winnipeg Charter.

(2) Where such service is effected by sending a copy of the decision to the applicant, and the applicant's address for service must be determined, one of the following addresses may be used:

(a) the address for service indicated by the applicant on an application under this By-law;

(b) if the applicant is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; or

(c) if the applicant is the occupant of real property, the street address for that property."

105. By-law No. 7026/97

By-law No. 7026/97 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) by adding the following after section 4:

5 This by-law shall be referred to as the "Remuneration of the Members of the Board of Revision By-law".

107. By-law No. 7039/97

By-law No. 7039/97 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) by adding the following after section 1:

2. This by-law shall be referred to as the "Veterans Associations Exemption By-law".

108. By-law No. 7070/97

The Sewer By-law No. 7070/97 is amended

(a) in Section 2, by adding the following in alphabetical order:

"Director" means the Director of the Water and Waste Department of the City and his or her delegates.

(b) in Section 2, by repealing the definition "*designated City Administrator*" ;

(c) in Section 2, by repealing the definitions for "*owner*", "*person*", "*Sewer Utility*", and "*street*" and adding the following in alphabetical order:

"owner" has the same meaning as in the City of Winnipeg Charter

"person" has the same meaning as in the City of Winnipeg Charter

"Sewer Utility" means the system works, plants, equipment and service for the collection, transport, treatment and disposal of wastewater, and when applicable shall extend to and include the Director

"street" has the same meaning as in the City of Winnipeg Charter

(d) by repealing section 3 and substituting the following:

3. ADMINISTRATION

The Director and his or her delegates 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

(e) by repealing section 5;

(f) in subsection 16(5) by striking out "Legal Services Division of the Corporate Services Department" and substituting "Corporate Risk Manager".

(g) by repealing section 55 and substituting the following:

55 ***Entry and Emergencies***

In accordance with the City of Winnipeg Charter in an emergency that affects the health or safety of persons or affects property, the Director may enter premises without notice for the purposes of:

(i) inspecting any sewer apparatus or other thing connected therewith;

(ii) blocking any sewer;

(iii) maintaining any sewer blockage apparatus;

(iv) removing any sewer blockage apparatus.

(h) by repealing Section 62 and substituting the following:

62 *Private Wastewater Disposal Systems Appeals*

Notwithstanding section 59(1)(c) and section 60 of this Part 9 any person refused a Private Wastewater Disposal System Permit under section 57 may, in accordance with the City of Winnipeg Charter file an appeal with the Office of the City Clerk, subject to payment of the appropriate fee of appeals as listed in Schedule "A", which appeal shall be heard by the Standing Policy Committee on Public Works of the City and every decision of the Standing Policy Committee on Public Works shall be final and binding. The Standing Policy Committee on Public Works may grant the permit where, in its opinion, the proposed Private Wastewater Disposal System is compatible with the area, has no impact on adjoining property and adjacent area, has no potential for adverse public health consequences, has no adverse effect on the environment and complies with City Health and Zoning regulations.

(i) by repealing Section 78 and substituting the following:

78 *Enforcement*

Any order to remedy a contravention of this By-law must be issued in accordance with the City of Winnipeg Charter

(j) by adding the following:

78.1 ***Address for Service***

Where it is necessary to determine an address for service, it shall be done as follows:

(i) 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 may be used; and

(ii) if the person to be served is the occupant of real property, the street address for that property may be used

(k) by repealing Section 80 and substituting the following:

80 ***Offences and Penalties***

Any person who:

(a) hinders or interrupts, or causes or procures to be hindered or interrupted the Sewer Utility or its servants, agents, contractors, workmen or any of them, in the exercise of powers and authorities granted herein as to the wastewater system, or land drainage works or any part thereof; or

(b) destroys, damages, or interferes with the operation of any part of the wastewater system or land drainage works, introduces into the wastewater system or land drainage works any thing or matter that causes, or is likely to cause, damage thereto; or

(c) contravenes or disobeys or refuses or neglects to obey any provision of this By-law for which no other penalty is herein provided;

is guilty of an offence and is liable on summary conviction to the following penalties which shall not exceed $50,000.00:

(i) for a first offence, to a fine of not less than $1,000.00;

(ii) for a second offence, to a fine of not less than $2,500.00;

(iii) for a third offence, to a fine of not less than $5,000.00.

(l) by adding Section 80.1 as follows:

80.1 Notwithstanding the penalties prescribed in section 80, an individual may also be liable on summary conviction to

imprisonment for a term not exceeding six (6) months or to both a fine specified herein and imprisonment.

(m) by adding the Section 80.2 as follows:

80.2 Where an offence occurs under this By-law and continues for more than one day, the person is guilty of a separate offence for each day the offence continues.

(n) by repealing Section 81 and substituting therefore the following:

81 *Appeals*

In addition to any appeals under section 62 hereof, any person who is aggrieved by an order or decision made pursuant to this By-law may in accordance with the City of Winnipeg Charter file an appeal with the City Clerk's Office, subject to the payment of the appropriate fee as listed in Schedule "A", which appeal shall be heard by the Standing Policy Committee on Public Works and every decision of the Standing Policy Committee on Public Works shall be final and binding.

109. By-law No. 7075/97

By-law No. 7075/97 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) by repealing the definitions "*City Treasurer*" and "*committee*" in section 1;

(c) by amending the definition "realty taxes" in section 1 by striking out "*all general and school taxes*" and substituting "*real property tax*" ;

(d) by repealing sections 9, 10, 11, 12, 13, 14, 15 and 16;

(e) in section 8, by striking out "*realty*" and substituting "*real property*";

(g) by adding the following after section 8:

"8.1 The Chief Financial Officer and his/her delegates may take steps to administer and enforce this by-law and their decisions must be made in accordance with The City of Winnipeg Charter.

8.2 A copy of a decision made under this by-law must be given to the registered owner of the property in accordance with The City of Winnipeg Charter.

8.3 A decision made under this by-law may be appealed to the Standing Policy Committee on Fiscal Issues in accordance with The City of Winnipeg Charter.

8.4 This by-law shall be referred to as the "Unserviced Residential Premises Tax Credit By-law"."

110. By-law No. 7076/97

By-law No. 7076/97 is repealed.

111. By-law No. 7100/97

The City Organization By-law No. 7100/97 is amended:

(a) in the preamble:

(i) by striking out the words "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*"; and

(ii) by striking out the second paragraph and substituting:

"AND WHEREAS *The City of Winnipeg Charter* requires Council to establish and maintain the administrative structure for the city, and permits the delegation of powers and duties to employees in such manner as Council determines is desirable for the effective and efficient delivery of services to its citizens;"

(b) in clause 3 (1) (b), by striking out the words "*the annual estimates, current and capital budgets*" and substituting "*an operating or capital budget*";

(c) in clause 3(1)(g), by striking out the words "*Current Budget*" and substituting "*operating budget*";

(d) by repealing clause 3(1)(j);

(e) by repealing clause 3(1)(k);

(f) in section 4

(i) by striking out the words "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*";

(ii) by repealing clause (9);

(iii) by adding the following immediately after clause (21):

(22) Awards of contracts in accordance with existing council policy.

(g) in section 5 by striking out the words "*pursuant to subsection 33(1) of The City of Winnipeg Act*";

(h) by repealing section 9.1 and substituting the following:

9.1 The Standing Committee on Fiscal Issues may approve additional appropriations including approval of reallocations of funds provided for in an operating budget of the city for a purpose other than that set out in the budget, and approval of additional operating expenditures.

(i) in section 9.2,

(i) by striking out "*set out"* and substituting "*referred to*"; and

(ii) by repealing clause (a)(i) and substituting the following:

(a)(i) conditional use orders made by the Director of Planning, Property and Development, Community Committees, or the Board of Adjustment;

(j) in subclauses 10(a)(i) to 10(a)(xxx),

(i) by striking out the words "*Section(s)*", "*Subsection(s*)", "*Part"* or "*Clause(s*)", wherever they appear, and the numbers or letters which follow them;

(ii) by striking out the parentheses which enclose the words listed in each subclause;

(k) in clause 10(a), by striking out "*of The City of Winnipeg Act*";

(l) by repealing clause 10(o)(i) and substituting the following:

(o)(i) conditional use orders made by the Director of Planning, Property and Development, Community Committees, or the Board of Adjustment;

(m) in clause 10(o), by striking "*set out*" and substituting "*referred to*";

(n) in subclauses 11(a)(i) to 11(a)(ix),

(i) by striking out the words "*Section(s)*", "*Subsection(s*)", "*Part*" or "*Clause(s*)", wherever they appear, and the numbers or letters which follow them;

(ii) by striking out the parentheses which enclose the words listed in each subclause;

(iii) by repealing subclause 11(a)(vii) and substituting:

(vii) Licensing except licensing of ambulances and ambulances services;

(o) in clause 11(a), by striking out "*of The City of Winnipeg Act*";

(p) in clause 11(e), by striking out "*pursuant to clause 500(e) of The City of Winnipeg Act,"*

(q) by repealing clause 11(h);

(r) by repealing clause 11(m) and substituting the following:

(m) approval of matters relating to encroachments on City property;

(s) by repealing clause 11(o);

(t) by repealing clause 11(p) and substituting the following:

(p) the power to direct that Variance Orders and Conditional Use Orders granted prior to the coming into force of The City of Winnipeg Act, S.M. 1971, chapter 105, cease to have effect.

(u) in clause 11(r), by striking out "*under Section 625 and Section 627(6) of The City of Winnipeg Act";*

(v) in clause 11(w), by striking out "*Part 16 of The City of Winnipeg Act*" and substituting "*streets*";

(w) by repealing clause 11(dd)(i) and substituting the following:

(dd)(i) conditional use orders made by the Director of Planning, Property and Development, Community Committees, or the Board of Adjustment;

(x) in clause 11(dd), by striking out "*set out*" and substituting "*referred to*";

(y) in section 13, by striking "*Hydro*";

(z) in subclauses 13(a)(i) to 13(a)(xii),

(i) by striking out the words "*Section(s)*", "*Subsection(s)*", "*Part*" or "*Clause(s)*", wherever they appear, and the numbers or letters which follow them;

(ii) by striking out the parentheses which enclose the words listed in each subclause;

(aa) in clause 13(a), by striking out "*of The City of Winnipeg Act*";

(bb) in clause 13(d), by striking out "*as provided in Section 510(1) of the Act*"

(cc) by repealing clause 13(j)(i) and substituting the following:

(j)(i) conditional use orders made by the Director of Planning, Property and Development, Community Committees, or the Board of Adjustment;

(dd) in clause 13(j), by striking out "*set out*" and substituting "*referred to*";

(ee) by repealing clause 13.1(1) (a) and substituting the following:

(a) conditional use orders made by the Director of Planning, Property and Development, Community Committees, or the Board of Adjustment;

(ff) in subsection 13.1(1), by striking out everything that appears after clause (c) and substituting "*on a rotating basis in accordance with a Schedule adopted by resolution of Council.*";

(gg) in subsection 13.1(2), by striking out "*set out*" and substituting "*referred to*";

(hh) in section 15, by striking out "*such authority under Section 417 of The City of Winnipeg Act*" and substituting "*authority*";

(ii) in clause 15.1(3)(g), by striking out "*objections to*" and substituting "*appeals from*";

(jj) in subsection 15.2(4), by striking out "*2001 and 2002*" wherever it appears;

(kk) by repealing section 15.3;

(ll) by repealing sections 20, 21, 22 and 23;

(mm) by adding the following immediately after section 24:

24.1 The City Clerk is authorized under s. 56 of the City of Winnipeg Charter to consolidate by-laws.

(nn) by adding the following at the end of clause 26(6):

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

(oo) in subsection 26(16), by striking out "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*";

(pp) by adding the following immediately after section 33:

33.1 The Chief Financial Officer may invest money of the city not immediately required for its purposes and may authorize the purchase and disposal of any of the securities referred to in section 290 of The City of Winnipeg Charter.

(qq) in subsection 35.1(3), by striking out "*It will develop and introduce a Controllership Model shifting the accountability for processing financial transactions and monitoring of fiscal affairs to operating departments.*" and substituting "*It will provide leadership for the effective functioning of the Controllership model*";

(rr) by repealing subsection 35.1(6);

(ss) by repealing subsection 35.2;

(tt) by adding the following at the end of section 38:

"S.M. 1989-90, c. 10, for the purposes of the continuation of the Sinking Fund Trustees, in accordance with section 520 of The City of Winnipeg Charter."

(uu) Schedules "A","B" and "G" to By-law No. 7100/97 are repealed and the Schedules "A", "B" and "G" attached to this by-law are substituted.

(vv) Schedule "C" to By-law No. 7100/97 is amended by striking out:

"6. The General Manager of Hydro	*6. The Director of Hydro "*

(ww) Schedule "D" to By-law No. 7100/97 is amended by striking out:

"4. Winnipeg Hydro	*4. Hydro Department"*

112. By-law No. 7136/97

By-law No. 7136/97 is amended

(a) by striking out "*late payment charge*" wherever it appears and substituting "*late payment penalty*"; and

(b) by adding the following immediately after section 6:

7. This By-law shall be referred to as the "Late Payment Penalty By-law."

113. By-law No. 7137/97

By-law No. 7137/97 is amended:

(a) by striking out the preamble and "NOW THEREFORE" ;

(b) in the title, by adding "*real*" before "property"'

(c) in section 8, by adding "*real property*" before "tax credit";

(d) by adding the following after section 14:

"14.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and their decisions must be made in accordance with The City of Winnipeg Charter.

14.2 A copy of a decision made under this by-law must be given to the registered owner of the building in which the residential unit is contained by delivering a copy of the decision to him/her or the person authorized by him/her to apply for a tax credit on his/her behalf.

14.3 A decision made under this by-law may be appealed to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter."

14.4 This by-law shall be referred to as the "1998 Home Renovation Tax Assistance Program By-law"

(e) by repealing sections 15, 16, 17, 18, 19, 20, 21 and 22;

114. By-law No. 7155/98

The Heritage Conservation Tax Credit By-law No. 7155/98 is amended:

(a) by repealing the preamble and "**NOW THEREFORE**,";

(b) by repealing the definition **"*OWNER*"** in section 2;

(c) by adding the following definition in alphabetical order:

"PROPERTY OWNER" *means a person who is the registered owner under The Real Property Act of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner;*

(d) by adding "*property*" before "owner" in clause 8(1)(a);

(e) by repealing subsection 10(3) and substituting the following:

"10(3) When the Designated Committee makes a recommendation to Council pursuant to subsection (2), the Clerk shall provide the applicant notice in accordance with The City of Winnipeg Charter of the date, time and place at which Council will hear representations from the applicant for or against the recommendation."; and

(f) by adding the following after subsection 13(2):

"13.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with The City of Winnipeg Charter.

13.2 Any decisions made by Council, the Designated Committee or the Chief Administrative Officer or his/her delegates shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with The City of Winnipeg Charter.

13.3 Any decisions made by the Chief Administrative Officer or his/her delegates may be appealed in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

115. By-law No. 7171/98

The Disabled Persons Parking By-Law No. 7171/98 is amended:

(a) by repealing the preamble and "NOW THEREFORE";

(b) in subsection 1(2) by striking out the definitions *"designated parking space"* and *"motor vehicle"*;

(c) by adding the following after section 4:

5. This By-law shall be referred to as the "Disabled Persons Parking By-law".

116. By-law No. 7199/98

By-law No. 7199/98 is repealed.

117. By-law No. 7200/98

The Downtown Heritage Conservation Tax Credit By-law No. 7200/98 is amended:

(a) by repealing the preamble and "**NOW THEREFORE**,";

(b) by repealing the definition **"*OWNER*"** in section 2;

(c) by adding the following definition in alphabetical order:

"PROPERTY OWNER" *means a person who is the registered owner under The Real Property Act of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner;*

(d) by adding "*property*" before "owner" in clause 8(1)(a);

(e) by repealing subsections 11(4), 11(5), 11(6), 11(7) and 11(8);

(f) by adding "*property*" before "owner" wherever it occurs in subsection 14(2);

(g) by adding "*property*" before "owner" and "owners" wherever they occur in subsection 14(3); and

(h) by adding the following after subsection 14(3):

"14.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with The City of Winnipeg Charter.

14.2 Any decisions made by the Designated Committee or the Chief Administrative Officer or his/her delegates shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with The City of Winnipeg Charter.

14.3 Any decisions made by the Chief Administrative Officer or his/her delegates may be appealed in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

118. By-law No. 7230/98

By-law 7230/98 is repealed.

119. By-law No. 7294/98

The Lot Grading By-law No. 7294/98 is amended

(a) in section 2,

(i) by repealing the definitions of *"**Building**"*, *"**City**"*, *"**Council**"*, *"**Highway**"*, *"**Owner**"*, *"**Person**"* and *"**Street**"*:

(ii) by adding the following in alphabetical order:

*"**Structure**" means any structure used or intended for supporting or sheltering any use of occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures.*

(b) by striking out *"building"* wherever it appears in the By-law, except where it appears in the term *"building permit"*, and substituting *"structure"*;

(c) in subsection 4(1), by striking out "*Property and Development Services*" and substituting "*the Planning, Property and Development Department*";

(d) by repealing subsection 4(7) and substituting the following:

An appeal from a decision to deny a Lot Grading Permit may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

(e) by repealing subsection 6(3);

(f) in subsection 6(5), by striking out "*designated City Administration*" wherever it appears and substituting "*Designated City Administrator*";

(g) in subsections 7(3) and by striking out "City Solicitor" and substituting "Corporate Risk Manager".

(h) by repealing section 9 and substituting the following:

9 <u>Enforcement</u>

(1) The Designated City Administrator and his/her delegates 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.

(2) An order to obtain a Lot Grading Permit or to comply with a Lot Grading Permit must be issued in accordance with The City of Winnipeg Charter.

(3) Where an order to comply with this By-law is issued, it may require that the owner of property prepare or have prepared by a Professional Engineer, Architect or Landscape Architect a new or revised lot grading plan as part of the required corrective measures.

(4) Where the Designated City Administrator takes actions or measures to remedy a contravention of this By-law, he or she may charge the costs against the deposit held by the City.

(5) Where an address for service of orders or decisions must be determined, the following addresses may 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 in writing, the address provided by the person in the application.

(i) by repealing section 10.

120. By-law No. 7367/99

The Execution of Documents By-law No. 7367/99 is amended

(a) by repealing the preamble and "NOW THEREFORE";

(b) in section 1, by striking out "*designate*" and substituting "*delegate*";

(c) in section 1, by striking out "*empowered*" and substituting "*designated and authorized*";

(d) in sub-section 1(a) by adding "*as amended or replaced*";

(e) in sub-section 1(b) by adding "*as amended or replaced*";

(f) in sub-section 1(c) by adding "*as amended or replaced*";

(g) in section 2 by striking out "*designate*" and substituting "*delegate*";

(h) in section 2 by striking out "*empowered*" and substituting "*designated and authorized*";

(i) in sub-section 2(a) by adding "*as amended or replaced*" after "(C261)";

(j) in clause 2(a)(i) by striking out "*Requests for Quotations*" and substituting "*Bid Solicitations*";

(k) in clause 2(a)(v) by adding "*and software*";

(l) in section 3 by striking out "*designate*" and substituting "*delegate*";

(m) in section 3 by striking out "*empowered*" and substituting "*designated and authorized*";

(n) in section 4 by striking out “*designate*” and substituting “*delegate*”;

(o) in section 4 by striking out “*empowered*” and substituting “*designated and authorized*”;

(p) in section 6 by striking out “*city officials*” and substituting “*designated employees*”;

(q) in section 6 by striking out “*empowered*” and substituting “*designated and authorized*”;

(r) in section 9 by striking out “*designate*” and substituting “*delegate*”;

(s) in section 9 by striking out "*and legal validity*";

(t) by repealing Section 10; and

(u) by adding immediately after section 12:

13. Only one designated employee is required to sign the documents, instruments or agreements identified in sections 1, 2, 3 and 4.

121. By-law No. 7384/99

The 1999 Home Renovation Tax Assistance Program By-law No. 7384/99 is amended:

(a) by striking out the preamble and "NOW THEREFORE";

(b) in the title, by adding "*real*" before "property";

(c) in section 9, by adding "*real property*" before "tax credit";

(d) by adding the following after section 16:

“16.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and their decisions must be made in accordance with The City of Winnipeg Charter.

16.2 A copy of a decision made under this by-law must be given to the registered owner of the building in which the residential unit is contained by delivering a copy of the decision to him/her or the person authorized by him/her to apply for a tax credit on his/her behalf.

16.3 A decision made under this by-law may be appealed to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter.”

(e) by repealing sections 17, 18, 19, 20, 21, 22, 23 and 24.

122. By-law No. 7470/99

The City of Winnipeg Raffle Lottery Licence By-law No. 7470/99 is amended

(a) by adding the following after subsection 9(11):

9(12) The Chief License Inspector and his/her delegates 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.

(b) by renumbering section 11 as section 13;

(c) by adding the following after subsection 10(3):

APPEALS

11 An appeal from a decision made by the Chief License Inspector may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development.

ADDRESS FOR SERVICE

12 Where an address for service must be determined, it shall be done as follows:

(a) if the organization or person to be served has applied for a licence under this by-law, the address provided by the organization or person in the application may be used; or

(b) if the person or organization to be served is incorporated, the address set of the Registered Office set out in the Articles of Incorporation of the person or organization may be used.

123. By-law No. 7500/99

By-law No. 7500/99 is amended:

(a) in the title of the by-law, by striking out "*development*" and substituting "*subdivision*";

(b) by repealing the definition "*City*" in section 1 and substituting:

"City" means, as the case requires,

(a) the corporation known as "The City of Winnipeg", or

(b) the area of the City of Winnipeg as determined under The City of Winnipeg Charter;";

(c) in the definition "Development Agreement" in section 1, by striking out *"619(1), 620, or 623(3) of The City of Winnipeg Act*" and substituting *"256(1)(b), 259 or 260(2)(b) of The City of Winnipeg Charter*";

(d) in the definition of "Director" in section 1, by striking out everything after "and" and substituting "*his/her delegates*.";

(e) in the definition of "Standing Policy Committee" in section 1, by striking out "*Part I of The City of Winnipeg Act*" and substituting "*Part 3 of The City of Winnipeg Charter*";

(f) in the definition of "Development approval" in section 1, and in section 18, by striking out "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*";

(g) by repealing section 22 and substituting the following:

"22. The Director of Planning, Property and Development is responsible for the administration of this By-law and, for that purpose, has the powers of a "designated employee" under The City of Winnipeg Charter.";

(h) by adding the following after section 22:

"23. This By-law shall be referred to as the "Subdivision Standards By-law"."

124. By-law No. 7523/99

The 2000 Home Renovation Tax Assistance Program By-law No. 7523/99 is amended:

(a) by striking out the preamble and "NOW THEREFORE";

(b) in the title, by adding "*real*" before "property";

(c) in section 9, by adding "*real property*" before "tax credit";

(d) in subsection 11, by striking out "*general taxes*" and substituting "*real property taxes*";

(e) by adding the following after section 16:

"16.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and their decisions must be made in accordance with The City of Winnipeg Charter.

16.2 A copy of a decision made under this by-law must be given to the registered owner of the building in which the residential unit is contained by delivering a copy of the decision to him/her or the person authorized by him/her to apply for a tax credit on his/her behalf.

16.3 A decision made under this by-law may be appealed to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter."

(f) by repealing sections 17, 18, 19, 20, 21, 22, 23 and 24; and

125. By-law No. 7600/2000

The Secondary Dyke By-law No. 7600/2000 is amended

(a) by striking out *"building"* wherever it appears in the By-law and substituting *"structure"*;

(b) by repealing subsection 2(1);

(c) in subsection 2(2), by repealing the definitions of *"**construction**", "**designated committee**", "**development**"* and *"**owner**";*

(d) in section 3,

(i) by adding *", occupant and agent for either the owner or occupant"* after *"Every owner"*; and

(ii) by adding *"and structures that have not been permitted under section 5"* after *"trees"*;

(e) by repealing subsection 6(4) and substituting the following:

6(4) A decision to issue or to refuse a permit must be given to the applicant in accordance with The City of Winnipeg Charter.

(f) by adding the following after subsection 6(4):

6(5) Where an address for service must be determined, the address provided by the person in the application for a permit may be used.

(g) in clause 7(a), by striking out *"owner"* and substituting *"applicant"* ;

(h) by repealing section 8 and substituting the following:

8 The designated employee may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with The City of Winnipeg Charter and, for those purposes, have the powers of a "designated employee" under The City of Winnipeg Charter.

(i) by repealing section 9;

(j) by repealing section 10 and substituting the following:

10. Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter and where an address for service must be determined, it shall be done as follows:

(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 for which the person to be served has applied in writing, the address provided by the person in the application.

(k) by repealing section 11 and substituting the following:

11. An appeal from an order or decision of the designated employee may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

(l) by repealing sections 12 to 15;

(m) in the title to section 17, by striking out "*SUBORDINATE"* and substituting *"REQUIREMENTS SUPPLEMENTARY"*.

126. By-law No. 7610/2000

By-law No. 7610/2000 is amended:

(a) by adding to the end thereof:

"3. This by-law shall be known as the Winnipeg Police Service Regulation By-law."

(b) by amending the definition of "Committee" in Schedule "A" of the by-law by adding at the end thereof "*and the Chief of Human Resources and Corporate Services*."

(c) by striking out "*Act*" in section 4 of Schedule "A" and substituting "*Charter*".

(d) By adding after section 2.01 of Schedule "A", the following:

"2.02 A notice, decision or order shall be served in accordance with The City of Winnipeg Charter."

127. By-law No. 7630/2000

By-law No. 7630/2000 is amended by adding the following after section 2:

"3. This By-law shall be referred to as the "Plan Winnipeg By-law"."

128. By-law No. 7632/2000

The CentreVenture Heritage Tax Credit By-law No. 7632/2000 is amended:

(a) by repealing the preamble and "**NOW THEREFORE**,";

(b) by repealing the definition **"*OWNER*"** in section 2;

(c) by adding the following definition in alphabetical order:

"PROPERTY OWNER" *means a person who is the registered owner under The Real Property Act of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner;*

(d) by adding "*Property*" before "Owner" wherever it occurs in subsection 13(2);

(e) by adding "*property*" before "owner" and "owners" wherever they occur in subsection 13(3); and

(f) by adding the following after subsection 13(3):

"13.1 The Chief Administrative Officer or his/her delegates may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with The City of Winnipeg Charter.

13.2 Any decisions made by the Designated Committee or the Chief Administrative Officer or his/her delegates shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with The City of Winnipeg Charter.

13.3 Any decisions made by the Chief Administrative Officer or his/her delegates may be appealed in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

129. By-law No. 7633/2000

The Gail Parvin Hammerquist Fund By-law No. 7633/2000 is amended:

(a) by repealing the preamble and "**NOW THEREFORE**,";

(b) by repealing the definition **"*OWNER*"** in section 2;

(c) by adding the following definition in alphabetical order:

"PROPERTY OWNER" *means a person who is the registered owner under The Real Property Act of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner; and*

(d) by adding the following after subsection 12(b):

"13(1) The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with The City of Winnipeg Charter.

13(2) Any decisions made by the Chief Administrative Officer or his/her delegates shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with The City of Winnipeg Charter.

13(3) Any decisions made by the Chief Administrative Officer or his/her delegates may be appealed in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

130. By-law No. 7653/2000

By-law No. 7653/2000 is repealed.

131. By-law No. 7700/2000

The Obstructive Solicitation By-law No. 7700/2000 is amended:

(a) in the preamble, by striking out "*THEREFORE*"'

(b) by repealing the definition of "*street*" in section 2 and substituting:

""street" has the same meaning as in The City of Winnipeg Charter;";

(c) by repealing section 4.

131. By-law No. 7710/2000

The Entertainment Funding By-law No. 7710/2000 is amended

(a) in section 14, by striking *"may for the purpose of enforcing this by-law, enter at any time, any place of amusement"* and substituting *"has the powers of a "designated employee" under The City of Winnipeg Charter for the purposes of administering and enforcing this By-law and may, for the purpose of enforcing this By-law, enter any place of amusement"*;

(b) by renumbering section 14 as subsection 14(1) and renumbering section 15 as subsection 14(2); and

(c) by adding the following as section 15:

15(1) Where an address for service must be determined, it shall be done as follows:

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

(b) if the person to be served is the occupant of a place of amusement, the street address for that property may be used; 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 may be used.

15(2) An appeal from an order or decision of the Director of Corporate Finance may be made in accordance with The City of Winnipeg Charter to the Standing Committee on Fiscal Issues.

132. By-law No. 7798/2001

The 2001 Home Renovation Tax Assistance Program By-law No. 7798/2001 is amended:

(a) by striking out the preamble and "NOW THEREFORE";

(b) in the title, by adding "*real*" before "property";

(c) in section 9, by adding "*real property*" before "tax credit";

(d) in subsection 11(1), by striking out "*general taxes*" and substituting "*real property taxes*";

(e) by adding the following after section 16:

"16.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and their decisions must be made in accordance with The City of Winnipeg Charter.

16.2 A copy of a decision made under this by-law must be given to the registered owner of the building in which the residential unit is contained by delivering a copy of the decision to him/her or the person authorized by him/her to apply for a tax credit on his/her behalf.

16.3 A decision made under this by-law may be appealed to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter."

(f) by repealing sections 17, 18, 19, 20, 21, 22, 23 and 24.

133. By-law No. 7943/2001

The 2002 Home Renovation Tax Assistance Program By-law No. 7943/2001 is amended:

(a) by striking out the preamble and "*NOW THEREFORE*";

(b) in the title, by adding "*real*" before "property";

(c) in section 9, by adding "*real property*" before "tax credit";

(d) in subsection 11(1), by striking "*general taxes*" and substituting "*real property taxes*";

(e) by adding the following after section 16:

"16.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and their decisions must be made in accordance with The City of Winnipeg Charter.

16.2 A copy of a decision made under this by-law must be given to the registered owner of the building in which the residential unit is contained by

delivering a copy of the decision to him/her or the person authorized by him/her to apply for a tax credit on his/her behalf.

16.3 A decision made under this by-law may be appealed to the Standing Policy Committee on Property and Development in accordance with The City of Winnipeg Charter."

(f) by repealing sections 17, 18, 19, 20, 21, 22, 23 and 24.

134. By-law No. 7983/2002

The Vacant Dwellings By-law No. 7983/2002 is amended:

(a) in section 2, by repealing the definition *"owner"*

(b) by repealing section 6 and substituting the following:

The Chief Administrative Officer and his or her delegates 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.

(c) by repealing section 7 and substituting the following:

Entry to vacant dwellings

7(1) An enforcement officer may enter onto land without notice to and without the consent of the owner in order to inspect a dwelling that is boarded or appears to be vacant in order to determine

(a) whether the dwelling is vacant and

(b) whether the dwelling complies with this by-law.

Entry prior to securing vacant dwellings

7(2) Where a vacant dwelling is not secure, an enforcement officer may enter the interior of the dwelling before securing the dwelling to ensure that no individuals or animals would be trapped inside the dwelling after it has been secured.

(d) in subsection 8(1), by striking out *"to the mailing address on the tax roll for the property"* and substituting "*to the address maintained by the tax collector for the purpose of issuing the tax notice for that property"*;

(e) by repealing section 9 and substituting the following:

Order where no permit

9(1) Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

9(2) In addition to any other order that may be issued by the enforcement officer, where a dwelling is boarded but lacks a permit, the enforcement officer may issue an order requiring the owner within 14 days either to obtain a permit or to bring the dwelling into compliance with section 4 of this By-law.

Address for service of order

9(3) Where an address for service must be determined

(a) the address for service provided by the owner under s. 5 of this by-law or

(b) the address maintained by the tax collector for the purpose of issuing the tax notice for that property

may be used.

No demolition permit necessary

9(3) Where the City acts to bring a dwelling into compliance with this By-law by demolishing the dwelling, no permit for the demolition under the Winnipeg Building By-law No. 4555/87 or By-law No. 4665/87 is required.

(f) by repealing subsections 10(1) and 10(1.1) and substituting the following:

10(1) An appeal from an order to remedy a contravention of this By-law or a decision made under this By-law may be made in accordance with The City of Winnipeg Charter to the Committee.

(g) by repealing subsection 11(4).

135. By-law No. 8058/2002

The CentreVenture 2002 Heritage Tax Credit By-law No. 8058/2002 is amended:

(a) by repealing the preamble and "**NOW THEREFORE**,";

(b) by repealing the definition **"OWNER"** in section 2;

(c) by adding the following definition in alphabetical order:

"PROPERTY OWNER" *means a person who is the registered owner under The Real Property Act of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner;*

(d) by adding "*Property*" before "Owner" wherever it occurs in subsection 13(2);

(e) by adding "*property*" before "owner" and "owners" wherever they occur in subsection 13(3);

(f) by repealing subsections 15(1) and 15(2); and

(g) by adding the following after section 16:

"16.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with The City of Winnipeg Charter.

16.2 Any decisions made by the Designated Committee or the Chief Administrative Officer or his/her delegates shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with The City of Winnipeg Charter.

16.3 Any decisions made by the Chief Administrative Officer or his/her delegates may be appealed in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

136. By-law No. 8060/2002

The Multiple Family Dwelling Grant By-law No. 8060/2002 is amended:

(a) by repealing the preamble and "**NOW THEREFORE**";

(b) by repealing the definition "*Owner*" in section 2;

(c) by adding the following definition in alphabetical order:

"Property Owner" means a person who is the registered owner under The Real Property Act of land on which a project is to be constructed pursuant to this by-law, or the grantee thereof in a valid conveyance registered under The Registry Act, or an agent of either such owner;

(d) by striking out "*registered*" in section 4 wherever it occurs;

(e) by adding "*property*" before "owner" wherever it occurs in section 4;

(f) by striking out "*of the property*" following "owner" in subsection 15(2);

(g) by adding "*property*" before "owner" wherever it occurs in subsection 15(2);

(h) by repealing sections 16, 17, 18, 19, 20, 21, 22 and 23; and

(i) by adding the following after section 15:

"15.1 The Director may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with The City of Winnipeg Charter.

15.2 Any decisions made by the Standing Policy Committee on Property and Development or the Director shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with The City of Winnipeg Charter.

15.3 Any decisions made by the Director may be appealed by an aggrieved applicant in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Property and Development."

137. By-law No. 8097/2002

By-law No. 8097/2002 is amended by adding the following after the first paragraph:

1. This By-law shall be referred to as the "Airport Area West Secondary Plan By-law"."

138. By-law No. 8111/2002

The Business Improvement Zone Procedures By-law No. 8111/2002 is amended by adding the following immediately after section 25:

Transition

26 Council may approve a zone budget under this By-law notwithstanding the fact that the budget was approved by the zone in accordance with procedures established by a statute or a by-law that was in effect at the time the budget was approved by the zone.

139. Continuation of the Board of Adjustment

The Board of Adjustment is established pursuant to subsection 273 (1) of *The City of Winnipeg Charter* and it shall continue to exercise the powers, duties and responsibilities that it had on December 31, 2002 under By-law No. 5894/92.

140. CFO as Reserve Fund Manager

Whenever any by-law, policy, resolution or delegation of authority relating to a reserve which has been established by the City refers to the Director of Finance or the Director of Corporate Finance as the fund manager, the reference to "*Director of Finance*" or "*Director of Corporation Finance"* shall be deemed to have been struck out, and "*Chief Financial Officer or designate*" substituted therefor.

141 Coming into Force

This by-law comes into force on January 1st, 2003.

DONE AND PASSED, in Council assembled, this day of December, 2002.

_____
Mayor

_____
City Clerk

Certified as to form:

_____
City Solicitor/Manager of
Legal Services

THE CITY OF WINNIPEG

BY-LAW NO.

By-law of the City of Winnipeg to deal with trees and shrubs that interfere with the works and equipment of the City.

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

Title

2 This By-law shall be known as the Tree Trimming By-law.

Definitions

3 In this By-law

"**Chief Administrative Officer**" means the Chief Administrative Officer for the City of Winnipeg.

Prohibition

4 No owner or occupant of real property in the City shall permit trees or shrubs on his or her property to interfere with works, sewer pipes or waterworks of the City or the operation of equipment by the City.

Authority to enforce and administer

5 The Chief Administrative Officer and his/her delegates 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.

Compliance orders

6 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

Address for service

7 Where an address for service must be determined, it shall be done as follows:

(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 may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

Appeals

8 An appeal from an order to remedy a contravention of this By-law may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee on Public Works.

Trimming or pruning

9 In taking steps to enforce this By-law, the Chief Administrative Officer or his or her delegate shall not remove or prune any tree without a licenced Manitoba Arborist being present.

Repeal

10 By-law No. 864/75 is hereby repealed.

Coming in Force

10. This by-law comes into force on January 1st, 2003.

DONE AND PASSED, in Council assembled, this day of , 2002.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief Administrative Officer

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of The City of Winnipeg to provide for Execution of Standard Rental Agreements by senior Officers of the Community Services and Public Works Department.

WHEREAS it is deemed expedient to provide for the execution of Standard Rental Agreements by senior officers of the Community Services Department and the Public Works Department.

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

1 The Manager of Community Development and Protective Services, the Booking and Registration System Coordinator and the Manager of Parks and Open Space are hereby empowered for and on behalf of The City of Winnipeg to execute Standard Rental Agreements for the rental of recreation facilities owned by The City of Winnipeg, on a seasonal basis and/or for various special functions, conditional on the rental agreements being in a form satisfactory to the City Solicitor, or his or her delegate, at all times and the signatories not having the authority to alter the approved standard form agreement.

2. By-law No. 3344/83 is hereby repealed.

3. This by-law comes into force on January 1, 2003.

DONE AND PASSED, in Council assembled, this day of , 2002.

_____
Mayor

_____
City Clerk

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services

THE CITY OF WINNIPEG

BY-LAW NO.

A by-law of The City of Winnipeg to provide for the management, retention, safe-keeping, disposition and destruction of records.

WHEREAS The City of Winnipeg Charter provides that Council shall pass a by-law to provide for the management, retention, safe-keeping, disposition and destruction of records.

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

1. This By-law shall be known as the Records Management By-law:

2. In this By-law:

"department" means a department of the city, and includes a board, commission, association or other body, whether incorporated or unincorporated, all the members of which, or all the board of management or board of directors of which, are appointed by council;

"photograph" includes microfiche, microfilm or any other photographic reproduction on film or paper to produce a readable image of a record or information on videotape, disk or in a computer system;

"record" means any kind of recorded information that is created or received by, or in the custody or control of, the city, regardless of its physical form or its characteristics, and includes

(a) information recorded on paper, photographic film, microfilm, videotape or disk or in a computer system;

(b) a copy of the record; and

(c) a part of the record.

3. All original records listed in Schedule “A” to this by-law shall be retained for the minimum period of years specified therein and then shredded.

4. All original records listed in Schedule "B" to the by-law shall be retained permanently and archived by the City or be deposited for safe-keeping with the provincial or federal government's archives.

5. Any record not listed in either Schedule A or B shall be retained permanently unless the written approval of the Records Committee to destroy same is obtained.

6. Records shall not be photographed unless the Records Committee so recommends.

7. The Chief Administrative Officer shall appoint a city archivist who shall be responsible for carrying out the duties specified in The City of Winnipeg Charter.

8. Council, by resolution, shall appoint a Records Committee which shall be composed of the city archivist, or designate, who shall be the Chairman of the Committee and such other individuals, who may be employees or citizens, as council shall, from time to time designate.

9. In addition to the duties under Section 5, the Records Committee shall make recommendations to Council, and implement policies and procedures approved by Council, for the management, retention, safe-keeping, disposition and destruction of records in all departments.

10. By-law No. 6875/96 and all amendments thereto are hereby repealed.

11. This by-law comes into force on January 1, 2003.

DONE AND PASSED, in Council assembled, this day of ,2002.

_____
Mayor

_____
City Clerk

Certified as to form:

_____
City Solicitor/Manager of
Legal Services

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to establish penalties to be added to the amount required to redeem real property sold for unpaid taxes.

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

1. This By-law shall be referred to as the "Tax Sale Penalty By-law".

2. Where real property has been sold for unpaid taxes, the following penalties shall be added to the unpaid taxes owing on the property:

(a) a penalty equivalent to 10% of the amount for which the property was sold at tax sale shall be added on the date of tax sale; and

(b) a penalty equivalent to the product of the rate of interest established under section 3 and the amount for which the property was sold at tax sale, shall be added on each monthly anniversary of the date of tax sale.

3. (1) In this section, "prime rate" means the City's bank's prime rate of borrowing.

(2) The rate of interest to be paid as a penalty shall be calculated as:

$$\frac{\text{Prime rate} + 6\%}{12}$$

, taken to the nearest .05%

(3) The rate of interest to be paid as a penalty shall be established initially as of December 31st, 1991 and shall be recalculated thereafter as of the last day of any month if prime rate has cumulatively increased or decreased by 1% or more from the date that the rate of interest was previously established. Where a recalculation occurs, the new rate of interest becomes effective on the next following monthly anniversary date of the tax sale."

4. By-law No. 5799/91 is repealed.

5. This by-law comes into force on January 1, 2003.

DONE AND PASSED, in Council assembled, this day of , 2002.

_____
Mayor

_____
City Clerk

Approved as to financial details:

_____
City Treasurer

Certified as to form:

_____
City Solicitor/Manager of Legal Services

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of the City of Winnipeg to regulate buildings and premises in the interests of developing safe, orderly, viable, and sustainable communities.

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

Title

11 This By-law shall be referred to as the "Unsightly Premises By-law".

Definitions

12 In this By-law

"Designated employee" means the Director of Community Services or the Director of Planning, Property and Development for the City of Winnipeg or an employee of the City to whom either of the Directors has delegated the authority to enforce or implement all or part of this By-law.

"**Unsightly**", when applied to a building or premises, means buildings or premises that fail to comply with the standards set out in Schedule "A".

Standards for land and buildings

13(1) The owner and occupant of buildings and premises must maintain the buildings and premises so that they are not unsightly.

3(2) The owner and occupant of buildings and premises must maintain the buildings and premises so that they do not substantially depreciate the value of other land and buildings in the vicinity.

Powers of designated employees

14 The designated employees and their delegates 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.

Compliance orders

15(1) Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

5(2) Where an address for service must be determined, it shall be done as follows:

(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 may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

Appeal

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

Repeal of By-law No. 762/74

17 By-law No. 762/74 is hereby repealed

Coming in Force

8. This by-law comes into force on January 1, 2003.

DONE AND PASSED, in Council assembled, this day of , 2002.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services

SCHEDULE "A"

STANDARDS FOR BUILDINGS AND PREMISES

Exterior walls

18 Exterior walls of buildings must be maintained in good repair and, in particular:

(a) they must be protected against deterioration maintaining the walls, coping or flashing, or by the application of a protective surface;

(b) wood surfaces must be adequately protected against deterioration through the periodic application of appropriate protective coatings, such as paint, varnish, stucco, brick or stone facing, wood or asphalt shingle or siding;

(c) the paint on more than 25% percent of the area of any painted plane or wall must not be blistered, cracked, flaked, scaled, or chalked away;

(d) the mortar of any masonry or stone wall must not be loose or have fallen out.

Roofs

19(1) Roofs must be kept in good repair.

2(2) Loose or unsecured objects, including dangerous accumulations of snow or ice or both, must be removed from the roof of a building.

2(3) Roof drainage or surface drainage must be controlled in order to eliminate or minimize any effects on:

(a) neighbouring property so as not to cause dampness in the walls, ceilings or floors of any portion of any adjacent building; or

(b) neighbouring or public sidewalks or stairs so as not to create a hazardous condition; or

(c) neighbouring property thereby causing noticeable ponding or ground erosion.

2(4) Eavestroughing and downspouts must be watertight and maintained in good repair.

Foundations

3 Every foundation wall forming part of a dwelling must be maintained in good repair and structurally sound so as to prevent undue settlement of the building.

Porches and entrances

4(1) Every porch and entrance to a building must be maintained in good repair so that no component thereof is broken, loose, rotted, warped, out-of-plumb, off-level or out of alignment.

4(2) All exterior steps must be kept in good repair so as to afford safe passage under normal use and weather conditions and protected against deterioration by the application of appropriate protective coating if of wood construction.

Grounds

5(1) Premises must be kept free and clean from:

(a) rubbish, garbage, junk and other debris;

(b) wrecked, dismantled, partially dismantled, inoperative, discarded, abandoned or unused vehicles, trailers and other machinery or any parts thereof;

(c) excessive growth of weeds or grass; and

(d) objects and conditions, including holes and excavations, that are health, fire or accident hazards.

5(2) Plants and vegetation must be kept trimmed so as not to become unsightly.

5(3) The yard must be graded in such a manner so as to prevent:

(a) excessive or reoccurring ponding of water; or

(b) excessive dampness from occurring in buildings on or adjacent to the yard; or

(c) any hazardous condition from being created on any private or public walkway.

Walks, driveways and parking spaces

6(1) A walk must be provided from the principal entrance of every building to a public street or to a driveway affording access to a public street.

6(2) Every walk, driveway and parking space must be surfaced with stone, asphalt, concrete or other material capable of providing a hard surface and must be maintained so as to afford safe passage under normal use and weather conditions.

Fences and accessory buildings

7(1) All fences must be kept:

(a) weather resistant by the application of appropriate materials, including paint and preservatives; and

(b) in good repair; and

(c) free from health, fire and accident hazards.