Agenda - Council - April 25, 2007

Report - Standing Policy Committee on Property and Development – April 3, 2007

Item No. 12 Amendments to The Winnipeg Electrical By-law No. 133/2006
File EB-2.1

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the amendments to The Winnipeg Electrical By-law No. 133/2006, as outlined in Schedule A to the report from the Acting Director of Planning, Property and Development dated March 26, 2007, be approved.

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

Report - Standing Policy Committee on Property and Development – April 3, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 3, 2007, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: AMENDMENTS TO WINNIPEG ELECTRICAL BY-LAW NO. 133/2006

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: A/Director of Planning, Property and Development

REPORT DATE: March 26, 2007

RECOMMENDATION:

That Council enacts amendments to the Winnipeg Electrical By-law No. 133/2006 as set out in the attached draft By-law (Schedule A) in order to activate two provisions of the Canadian Electrical Code whose implementation had been delayed.

Report Summary

Key Issues:

- In order to give industry a chance to meet new requirements and to ensure appropriate implementation, the implementation of two provisions of the Canadian Electrical Code was delayed in April 2006 when the new Code was adopted for use in Winnipeg through the Winnipeg Electrical By-law.

- Industry and City staff is now in a position to implement the two provisions. The attached draft By-law will activate these provisions.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The electrical industry will have to meet and City staff will have to enforce the two provisions that are being activated through this By-law amendment.

Policy Implications

(x) No

( ) Yes

Comment(s):

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): The proposed amendment will activate two provisions of the Canadian Electrical Code whose implementation had been delayed for one year to allow industry and City staff to prepare for them.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

The Report recommends amendments to the Winnipeg Electrical By-law No. 133/2006. Only City Council can amend a By-law.

HISTORY:

On April 26, 2006, Council enacted The Winnipeg Electrical By-law No. 133/2006 that adopted the 2006 Canadian Electrical Code for application in Winnipeg. In keeping with past practice, the By-law modified the Code to some extent to reflect local conditions. However, the Report that accompanied the By-law identified two amendments to the Code as exceptional. It noted that the Subrule 30-308(4) and rule 2-306 were not being modified or permanently deleted. Rather the Report recommended that their implementation should be delayed.

Despite the safety benefits of requiring integral switches to fluorescent light fixtures, the Report recommended that Subrule 30-308(4) should be delayed because "the Department has reluctantly concluded that manufacturers cannot currently meet the above requirement and will not likely be able to do so for another year. Accordingly, the Department is recommending deletion of this unenforceable requirement from the Code and anticipates seeking Council's approval for an amendment to the By-law within one year that would reinstate this provision."

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

DISCUSSION:

As noted, Subrule 30-308(4) was required in the Canadian Electrical Code 2006 to increase electrical safety for work on 347/600V fluorescent light fixtures. However, a year ago, this requirement was not included in the Winnipeg Electrical By-law because, as the Report accompanying the By-law noted, manufacturers could not meet the requirement. During the past year, this situation has changed. Several products meeting the Code requirement are now available for use in Winnipeg. In addition, City staff has consulted with several manufacturers as well as the Manitoba Chapter of the

Illumination Engineering Society, the industry association for lighting manufacturers. There is general agreement that industry will not have significant difficulties meeting this requirement. It is noteworthy as well that several other Canadian jurisdictions, including Ontario and Manitoba, will also activate this requirement on August 1, 2007.

Rule 2-306 dealt with shock and flash protection. It was added to the Canadian Electrical Code 2006 to provide workplace safety measures similar to United States National Electrical Code. However, its implementation was delayed because the Department had questions about how to enforce it properly. Since that time, City staff has attended Canada-wide courses in which enforcement of this provision has been addressed. Discussions with other Canadian jurisdictions have also provided some guidance in enforcement. The Department considers that it is now in a position to enforce this provision.

If enacted by Council, the proposed amendments will take effect on August 1, 2007.

Financial Impact Statement Date: March 20, 2007

Project Name:

AMENDMENTS TO WINNIPEG ELECTRICAL BY-LAW NO. 133/2006

COMMENTS:

The recommendation in this report is that Council enacts amendments to the Winnipeg Electrical By-law No. 133/2006 as set out in the attached draft By-law (Schedule A) in order to activate two provisions of the Canadian Electrical Code whose implementation had been delayed. There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Legal Services Division

External Consultation With:

- Other jurisdictions in Canada, including Manitoba Hydro and Ontario Hydro
- Executives of the Illuminating Engineering Society (Winnipeg Chapter)

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Mike Anderson, P.Eng., Acting Plan Examination Administrator
PPD File No.

O:\Reports Directive\Development & Inspections\Plan Examination\electrical by-law rpt mar19 07.doc

SCHEDULE "A"

THE CITY OF WINNIPEG

BY-LAW NO. .

A By-law of THE CITY OF WINNIPEG to amend the Winnipeg Electrical By-law.

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

1. Schedule "A" to the Winnipeg Electrical By-Law No. 133/2006 is amended by repealing the following:

Variations to Section 2 of the Code

GENERAL RULES

Maintenance and Operations

2-306 Shock and Flash Protection
Section 2 of the Code is varied by deleting Rule 2-036.

and the following:

Installation of Lighting Equipment

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

2. This By-law takes effect on August 1, 2007

DONE AND PASSED, in Council assembled, this day of , 2007.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Acting Director of Planning, Property and Development

Certified as to form:

_____
for City Solicitor/Manager of Legal Services