THE CITY OF WINNIPEG

BY-LAW NO. 80/2008

A By-law of THE CITY OF WINNIPEG to create a mechanical permit and a mechanical contractor's licence.

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

Building By-law amended

1(1) The Winnipeg Building By-law No. 4555/87 is amended by this section.

1(2) Section 3.3 is amended by adding the following in alphabetical order:

"Cooking equipment ventilation system" *includes one or more of the following: a ventilating system, an exhaust system, a make-up air system, a hood, ductwork and fire suppression system.*

"Fire protection system" *includes one or more of the following: a wet sprinkler system, a dry sprinkler system, a pre-action system, a chemical suppression system, an inert gas suppression system, a wet or dry standpipe system.*

"HVAC system" *includes one or more of the following: a heating system, ventilating system, air-conditioning system, exhaust system, fire dampers and smoke dampers.*

"Mechanical hazardous process system" *includes one or more of the following: a bio-hazard laboratory fume hood and associated exhaust system, a dust collection system, a welding exhaust system, a flammable or combustible storage system, an explosion relief system, a painting, coating and spray operation.*

"Mechanical system" *includes an HVAC system, a mechanical hazardous process system, a cooking equipment ventilation system and a fire protection system.*

1(3) Section 7.1 is amended by striking out "*building and plumbing contractors*" and substituting "*building, mechanical and plumbing contractors*".

1(4) Sentence 14.1.2(1) is amended by adding "*or licenced contractor*" immediately after "*person responsible*".

1(5) Subsections 14.1.16 and 14.1.17 are repealed and the following is substituted:

14.1.16 Applicable fees set out in the Planning, Development and Building Fees By-law are payable in respect of permits, certificates and inspections referred to in this section.

1(6) Sentence 14.2.3(1) is amended by striking out *"Property,"* immediately after *"Planning,"*.

1(7) The following is added after subsection 14.7.2:

MECHANICAL PERMITS AND CERTIFICATES

14.8.1(1) Except as provided in Sentence (2) herein, a mechanical system or any element of a mechanical system must not be constructed, extended, altered, renewed or repaired unless a mechanical permit has been obtained from the designated employee.

(2) Subject to Sentence (3), a mechanical permit is not required when the construction, extension, alteration, renewal or repair:

(a) is limited to duct alterations, additions or deletions that take place at the fan or service connection;

(b) does not result in removal or alteration of either smoke or fire dampers;

(c) does not affect or alter the integrity of existing fire-rated shafts and enclosures;

(d) is limited to the replacement, relocation or addition of sprinkler heads with the same capacity, zone and hydraulic flow as those previously approved;

(e) is limited to the replacement of one or more existing standpipe valves or hoses with the same capacity as those being replaced;

(f) is limited to maintenance of an existing mechanical system;

(g) is limited to replacing existing cooking equipment;

(h) is limited to replacing an existing commercial kitchen exhaust fan;

(i) is limited to replacing or relocating a chiller; or

(j) takes place in a single family or two family residential dwelling.

(3) Although a permit is not required for the construction, extension, alterations, renewals or repairs referred to in Sentence (2), the work referred to in that Sentence must fully comply with the Code, this By-law and other applicable by-laws and, in addition, must not result in the building contravening the Code, this By-law or other applicable by-laws.

14.8.2(1) An application for a mechanical permit may only be made by a licenced mechanical contractor and may only be issued to a licenced mechanical contractor. A mechanical permit is not transferable.

(2) An application for a mechanical permit must be accompanied by:

(a) specifications or a description of the proposed work; and

(b) where requested by a designated employee, a plan that shows

(i) the type, location, capacity and size of all equipment, ducts and dampers and associated heating, venting, air movement and air handling equipment; or

(ii) the type, location and size of all fire protection equipment and systems.

(3) Where an application requires that the applicant declare the value of the work for which the permit is sought, the applicant must set out the total monetary worth of the permanent or fixed equipment and devices as well as the labour, materials and other devices necessary to complete the work for which the permit is being sought without excluding any of the work because of any other permits required by another by-law, regulation or agency.

14.8.3(1) Where a designated employee has reasonable grounds to conclude that the permit holder is not competent to perform the work for which the permit has been issued, the designated employee is authorized to revoke the permit and require that a new permit be issued to another licenced mechanical contractor before the work is completed.

(2) A permit issued under this section expires unless the work for which it was issued is initiated within a six month period and continued without unreasonable interruption until completion.

(3) Where a mechanical system has been inspected and approved, a designated employee, upon request and payment of the applicable fee, must issue a certificate of mechanical inspection to the permit holder or the property owner.

1(8) The following is added after subsection 17.9.1:

MECHANICAL CONTRACTOR'S LICENCE

17.10.1 No individual, partnership, firm, corporation or government department may place, install, maintain, repair or replace a mechanical system in the City of Winnipeg without a Mechanical Contractor's Licence issued under this section and, in particular, no individual, partnership, firm, corporation or government department may:

(a) perform any work on HVAC systems or mechanical hazardous process systems to which this or any other by-law applies without a Mechanical Contractor's Licence "M1";

(b) perform any work on fire protection systems to which this or any other by-law applies without a Mechanical Contractor's Licence "M2";

(c) perform any work on cooking equipment ventilation systems and fire protection systems for cooking equipment ventilation systems and equipment to which this or any other by-law applies without a Mechanical Contractor's Licence "M3".

QUALIFICATIONS OF LICENCE HOLDER

17.10.2 A Mechanical Contractor's Licence may only be issued to an individual, partnership, firm, corporation or government department if the individual or the partner, employee or official applying on behalf of the partnership, firm, corporation or government department either:

(a) holds journeyman certification in the field for which a licence is being sought; or

(b) is a factory-trained and factory-certified installer in the field for which a licence is being sought.

APPLICATION FOR LICENCE

17.10.3(1) An application for a Mechanical Contractor's Licence must contain the following information:

(a) the name and business address of the applicant; and

(b) where the applicant is not an individual, the names and addresses of:

(i) the partners in a partnership;

(ii) the officers of a corporation and their titles;

(iii) the head of a government department and his or her title.

(2) An application for a Mechanical Contractor's Licence must be accompanied by a licence fee as specified in the Planning, Development and Building Fees By-law for the year or portion of a year for which the licence is sought.

TERMS AND CONDITIONS OF LICENCE

17.10.4(1) A Mechanical Contractor's Licence is not transferable. Where the individual who applied for a Mechanical Contractor's Licence on behalf of partnership, firm, corporation or government department is not longer employed by or acting on behalf of the partnership, firm, corporation or government department, the licence expires.

(2) A Mechanical Contractor's Licence expires on December 31 of the year in

which it was issued.

(3) A Mechanical Contractor's Licence is renewable.

(4) A Mechanical Contractor's Licence is conditional upon the licence holder providing immediate notification to the designated employee of any of the following:

(a) a change in business address or location;

(b) the dissolution of the partnership, firm or corporation;

(c) a change of the name of the partnership, firm, corporation or government department;

(d) a change in the individuals holding corporate offices.

SUSPENSION AND REVOCATION OF LICENCE

17.10.5(1) Where the designated employee concludes that the holder of a Mechanical Contractor's Licence has violated any of the relevant provisions of this or another by-law or Code, he or she may suspend the licence for a period of up to 12 months or revoke the licence permanently.

(2) Prior to suspending or revoking a Mechanical Contractor's Licence, the designated employee must provide the licence holder an opportunity to be heard.

REVIEW COMMITTEE

17.10.6(1) A review committee is hereby established, which consists of

(a) the Designated Employee;

(b) a City of Winnipeg employee or other individual appointed by the Designated Employee; and

(c) an individual appointed by the Mechanical Contractor's Association of Manitoba.

(2) The Review Committee is empowered to determine whether an applicant's qualifications, as set out in subsection 17.10.2, are relevant to the field for which a licence is being sought.

Effective date
2. This By-law comes into force on May 1, 2008.

DONE AND PASSED, in Council assembled, this day of , 2008.

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Mayor

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City Clerk

Approved as to content:

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Director of Planning, Property and Development

Certified as to form:

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City Solicitor/Manager of Legal Services