THE CITY OF WINNIPEG

BY-LAW NO. 102/2008

A By-law of THE CITY OF WINNIPEG to amend the Unsightly Premises By-law, the Boulevard Maintenance By-law and the Neighbourhood Liveability By-law.

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

Unsightly Premises By-law amended

1(1) The Unsightly Premises By-law No. 8151/2002 is amended by this section.

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

"turf" *means a layer of grass, whether planted or not, but does not include ornamental grasses that have been planted;*

1(3) Section 6 is repealed and the following is substituted:

Appeals

6(1) Subject to this section, 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.

6(2) An appeal from an order to remedy a contravention of clause 5(1)(c) and subsection 5(2) of Schedule A may be made in accordance with The City of Winnipeg Charter to a hearing body consisting of the following individuals:

(a) the Chief Administrative Officer of the City;

(b) the Chief Financial Officer of the City;

(c) the Director of Planning, Property and Development of the City; and

(d) the Director of Water and Waste of the City;

or their delegates.

6(3) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body referred to in subsection (2) and the Chief Financial Officer of the City or his or her designate shall be the vice-chairperson.

6(4) The hearing body referred to in subsection (1) shall sit in panels of three members selected by the chairperson.

6(5) Sections 51(10) and 51(11) of the Procedure By-law apply to hearings conducted under this section and the hearing body may adopt other rules of practice and procedure.

Administration fee for appeals
6.1(1) Subject to subsections (2) and (3), an administration fee of $250.00 is hereby imposed for an appeal made under section 6.

6.1(2) An appeal may not be accepted by the City Clerk until the fee imposed by subsection (1) has been paid to the City Clerk.

6.1(3) The appeal body hearing the appeal may order the administration fee referred to in subsection (1) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Monetary penalty imposed
6.2(1) A monetary penalty in the amount of $100.00 is hereby imposed on the owner or occupant of a property who fails to comply with an order to remedy a contravention of clause 5(1)(c) and subsection 5(2) of Schedule A.

6.2(2) The monetary penalty imposed by subsection (1) is in addition to a fine or imprisonment imposed for a contravention of this By-law and is in addition to the costs of the actions or measures taken by the City of Winnipeg pursuant to subsection 185(1) of The City of Winnipeg Charter that are added to the real property taxes on the property.

1(4) Subsection 5(2) of Schedule A is repealed and the following is substituted:

5(2) Other than on properties zoned for agricultural grazing and feeding and agricultural cultivation, turf must be kept trimmed to a maximum length of 15 cm (6 inches).

Boulevard Maintenance By-law amended
2 The Boulevard Maintenance By-law No. 125/2007 is amended by repealing section 14 and substituting the following:

14(1) Subject to this section, an order or decision made pursuant to this By-law that is subject to appeal may be appealed to the Standing Policy Committee on Infrastructure Renewal and Public Works in accordance with The City of Winnipeg Charter.

14(2) An appeal from an order to remedy a contravention of section 3 may be made in accordance with The City of Winnipeg Charter to a hearing body consisting of the following individuals:

(a) the Chief Administrative Officer of the City;

(b) the Chief Financial Officer of the City;

(c) the Director of Planning, Property and Development of the City; and

(d) the Director of Water and Waste of the City;

or their delegates.

14(3) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body referred to in subsection (2) and the Chief Financial Officer of the City or his or her designate shall be the vice-chairperson.

14(4) The hearing body referred to in subsection (1) shall sit in panels of three members selected by the chairperson.

14(5) Sections 51(10) and 51(11) of the Procedure By-law apply to hearings conducted under this section and the hearing body may adopt other rules of practice and procedure.

Administration fee for appeals
14.1(1) Subject to subsections (2) and (3), an administration fee of $250.00 is hereby imposed for an appeal made under subsection 14(2).

14.1(2) An appeal may not be accepted by the City Clerk until the fee imposed by subsection (1) has been paid to the City Clerk.

14.1(3) The appeal body hearing the appeal may order the administration fee referred to in subsection (1) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Monetary penalty imposed
14.2(1) A monetary penalty in the amount of $100.00 is hereby imposed on the owner or occupant of a property who fails to comply with an order to remedy a contravention of section 3.

14.2(2) The monetary penalty imposed by subsection (1) is in addition to a fine or imprisonment imposed for a contravention of this By-law and is in addition to the costs of the actions or measures taken by the City of Winnipeg pursuant to subsection 185(1) of The City of Winnipeg Charter that are added to the real property taxes on the property.

Neighbourhood Liveability By-law amended
3 The Neighbourhood Liveability By-law No. 1/2008 is amended by adding the following immediately before section 109:

Monetary penalty for violation of order under section 8
108.1(1) A monetary penalty in the amount of $100.00 is hereby imposed on the owner or occupant of a property who fails to comply with an order to remedy a contravention of section 8.

108.1(2) The monetary penalty imposed by subsection (1) is in addition to a fine or imprisonment imposed for a contravention of section 8 and is in addition to the costs of the

actions or measures taken by the City of Winnipeg pursuant to subsection 185(1) of The City of Winnipeg Charter that are added to the real property taxes on the property.

DONE AND PASSED 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 Public Works

Approved as to form:

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City Solicitor/Manager of
Legal Services