THE CITY OF WINNIPEG

BY-LAW NO. 65/2009

A By-law of THE CITY OF WINNIPEG to amend the Neighbourhood Liveability By-law 1/2008.

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

1 *The Neighbourhood Liveability By-law 1/2008 is amended by this By-law.*

2 *Section 2 is amended by adding the following definition in alphabetical order:*

"roadside memorial" means a marker constructed, erected, posted or placed within the street to memorialize an event that resulted in a fatality.

3 *The heading for Part 4 is amended by adding* **"ROADSIDE MEMORIALS"** *after* "**POSTERS**,".

4 *Section 60 is amended by adding* "roadside memorials" *after* "Posters,*" in the section heading.*

5 *Subsection 60(1) is amended by adding* "or roadside memorial" *after* "sign".

6 *Clause 60(1)(a) is amended by adding* "or obstruction" *after* "hazard".

7 *Subsection 60(2) is amended by replacing everything before clause (a) with the following:*

60(2) Subject to section 62, a person must not place or post, or cause the placing or posting of a sign or roadside memorial within any street unless the sign or roadside memorial displays on its face

8 *The following is added after subsection 60(4):*

60(5) Notwithstanding subsection 60(3), the person placing or posting, or causing to be placed or posted, a roadside memorial within any street must remove it within 120 days of the date of the event that resulted in a fatality.

9 *The following is added after subsection 61(2):*

61(3) Subsections 61(1) and 61(2) do not apply to roadside memorials.

61(4) Subject to subsection 61(5) and section 62, a person must not place or post, or cause the placing or posting of a roadside memorial that:

(a) is larger than (1) metre in height as measured from the roadway surface
(b) is larger than (1) metre in width as measured along the roadway;
(c) is larger than (1) metre in depth as measured perpendicular to the roadway; or

(d) contains or uses breakable objects, including items made of glass or ceramic.

61(5) Notwithstanding subsection 61(4)(d) breakable objects are permitted to be used during a memorial service but must be removed immediately following the completion of the service.

10 *Section 62(1) is amended by adding* "**roadside memorials**" *after* "**sign**" *in the section heading.*

11 *Subsection 62(1)(a) is amended by adding "*and roadside memorials" *after* "signs".

12 *Subsection 63(1) is amended by adding* "**and roadside memorials***" after* "**signs**" *in the section heading.*

13 *Subsection 63(1) is amended by striking out* "sign" *wherever it occurs and substituting* "sign or roadside memorial".

14 *The following is added after subsection 63(2):*

63(2.1) Notwithstanding subsection 63(2) a roadside memorial removed pursuant to subsection (1) shall not be retained by the City for reclaiming.

15 *Subsection 63(3) is replaced with the following:*

63(3) A sign or roadside memorial that contravenes this By-law or is damaged or falls into disrepair may be removed by a designated employee and destroyed forthwith without notice.

DONE AND PASSED, this day of , 2009.

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Mayor

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City Clerk

Approved as to content:

_____
Director of Public Works

Approved as to form:

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Acting City Solicitor/Manager of
Legal Services