THE CITY OF WINNIPEG

BY-LAW NO. 91/2010

A By-law of THE CITY OF WINNIPEG to amend the Secondary Dyke By-law No. 7600/2000.

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

Secondary Dyke By-law amended

1 *The Secondary Dyke By-law No. 7600/2000 is amended by this By-law.*

Definition replaced

2 *The definition* ***"primary dike"*** *and* ***"secondary dyke corridor"*** *are repealed and the following are substituted*:

"primary dyke" means a primary dyke or a primary line of defence designated as such on a map of the City of Winnipeg's dykes contained in the most recent annual report required to be made to the Minister by the Dyking Commissioner by *The Dyking Authority Act*;

"secondary dyke corridor" means those areas identified as such on one or more of the maps attached as Schedules A to E to this By-law;

Section 5 replaced

3 *Section 5 is repealed and the following is substituted:*

REGULATION OF DEVELOPMENT WITHIN CORRIDOR

5. No person shall construct or erect a structure or plant a tree within a secondary dyke corridor without a permit issued under section 6.

Subsection 6(1) amended

4 *Subsection 6(1) is amended by striking out* "payment of the fee at the time of application as prescribed in Schedule "B"" *and substituting* "upon payment, at the time of application, of the fee established by Council".

Clause 7(b) amended

5 *Clause 7(b) is amended by striking out* "upon payment for the fee prescribed in Schedule "B"" *and substituting* "upon payment of the fee established by Council".

Subsection 8(2) replaced

6 *Subsection 8(2) is repealed and the following is substituted:*

DUTY TO COMPLY WITH DIRECTIONS OF DESIGNATED EMPLOYEE

8(2) Without restricting the general nature of subsection 8(1), the obligation placed by that subsection on the owner or occupant of property on which a secondary dyke corridor or secondary dyke is located includes the obligation at his or her own expense to comply with directions provided by a designated employee under subsection 8(3).

DIRECTIONS OF DESIGNATED EMPLOYEE

8(3) Where a designated employee has reason to believe that there is a significant risk of flooding in an area protected by secondary dykes, as he or she considers actions to be prudent in the circumstances, he or she may in writing or verbally direct an owner or occupant of property on which a secondary dyke corridor or secondary dyke is located to take specific actions at the owner's or occupant's expense to comply with his or her obligation under subsection 8(1), including any or all of the following measures:

(a) to remove snow and ice from the secondary dyke or secondary dyke corridor on his or her property;

(b) to remove any or all buildings, structures, trees and other obstacles, whether or not they have been authorized by section 4 or 6 of this By-law, from the secondary dyke or secondary dyke corridor on his or her property;

(c) to remove specific obstacles on the secondary dyke or secondary dyke corridor on his or her property;

(d) to accept of his or her property the delivery of sandbags or other material or items from the City of Winnipeg with which to construct a temporary dyke;

(e) to construct a temporary dyke on the secondary dyke or secondary dyke corridor on his or her property which temporary dyke may be required to be linked to temporary dykes constructed on adjacent properties and located as specified by a designated employee, using materials and a method of construction approved by a designated employee, and to a height and width specified by the designated employee;

(d) to monitor dikes for seepage and to pump out seepage as necessary;

(f) to maintain, repair or improve the temporary dyke after it has been constructed;

(g) to permit accessibility to the remainder of the secondary dyke or the secondary dyke corridor; and

(h) to take other reasonable measures to construct and maintain the temporary dyke as a barrier to flooding.

Section 9 replaced

7 *Section 9 is repealed and the following is substituted:*

DUTY TO REMOVE TEMPORARY DYKES

9 Within a reasonable period of time after the threat of flooding has receded and, in any event, when directed to do so by a designated employee, an owner or occupant of property on which a secondary dyke corridor or secondary dyke is located must remove and properly dispose of the sandbags and other elements of a temporary dyke that has been constructed on the secondary dyke or secondary dyke corridor.

Section 10 replaced

8 *Subsections 10(2) and 10(3) are repealed and the following is substituted:*

POWERS OF DESIGNATED EMPLOYEE

10(1) A 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, has the powers of a designated employee under *The City of Winnipeg Charte*r. When flooding or the threat of flooding constitutes an emergency that affects the health or safety of people or affects property, a designated employee may take whatever actions and measures are necessary to meet the emergency and to eliminate or reduce its effects.

NOTICE REQUIREMENTS VARIED

10(2) Because of the impracticality of complying with subsection 117(1) of *The City of Winnipeg Charter* in the urgent situations typically associated with the need for owners and occupants to comply with section 8, the requirements for giving notice under subsection 117(2) of *The City of Winnipeg Charter* are hereby varied pursuant to section 119 of *The City of Winnipeg Charter*, as follows: A copy of a notice, order or document issued or given in order to enforce or administer section 8 of this By-law and which is sent by registered mail or delivery under subsection 117(1) of *The City of Winnipeg Charter* is deemed to have been received by the person to whom it is sent 24 hours after the time it was sent by registered mail to or delivered to the address of the person determined in accordance with this By-law.

Subsection 15(1) amended

9 *Subsection 15(1) is amended by striking out clauses (c), (d) and (g) and substituting the following in numerical order:*

(c) all of the Deputy Chief Administrative Officers;

(d) the Director of Corporate Support Services;

(g) the Director of Winnipeg Transit.

Section 18 replaced

10 *Section 18 is repealed and the following is substituted:*

SCHEDULE A FORMS PART OF BY-LAW

18 The following schedules, attached hereto, form part of this By-law.

Schedule A (two pages)	Kingston Row and Kingston Crescent
Schedule B (one page)	Lord Avenue
Schedule C (two pages)	Glenwood Crescent
Schedule D (three pages)	Scotia Street

Schedules A and B replaced

11 *Schedules A and B to the By-law are repealed and are replaced with Schedules A to D of this By-law.*

Schedules attached

12 *The following Schedules are attached hereto and form part of this By-law*

Schedule A (two pages)	*Kingston Row and Kingston Crescent*
Schedule B (one page)	*Lord Avenue*
Schedule C (two pages)	*Glenwood Crescent*
Schedule D (three pages)	*Scotia Street*

DONE AND PASSED, this day of , 2010.

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Mayor

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City Clerk

Approved as to content:

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Director of Water and Waste

Approved as to form:

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For City Solicitor/Manager of
Legal Services