THE CITY OF WINNIPEG

BY-LAW NO. 19/2011

A By-law of THE CITY OF WINNIPEG to implement a program to subsidize the cost of installing eligible in-line backwater valves and sump pit drainage systems in residential properties

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

Short title

1 This By-law may be cited as the **Basement Flooding Protection Subsidy Program By-law**.

Definitions

2 In this By-law,

"backwater valve" has the same meaning as in *The Manitoba Plumbing Code*, Manitoba Regulation 129/2006;

"designated employee" means the Director of the Water and Waste Department for the City of Winnipeg and any employee of the City of Winnipeg who has been authorized by the Director to administer and enforce all or part of this By-law;

"eligible costs" means the costs for an eligible in-line backwater valve or a sump pit drainage system that are set out in section 7;

"eligible device" means an eligible in-line backwater valve or a sump pit drainage system and, unless the context requires otherwise, refers to the device or devices for which a subsidy is sought;

"eligible in-line backwater valve" means one or more backwater valves installed under the building in the main sewer pipe, the basement branch line or otherwise, so that all fixtures below grade are protected from sewer backup;

"eligible residential building" means a building that meets the requirements of section 5;

"final inspection" means the physical inspection and final approval of an eligible device by a City of Winnipeg inspector as complying with the Plumbing Code and City by-laws;

"owner", in relation to an eligible residential property, means the person who is the owner of the property at the time of the final inspection of the eligible device;

"program" means the Basement Flooding Protection Subsidy Program established by this By-law;

"residential building" means a building or portion of a building designed for and intended to be used for residential occupancy and includes any building that falls within the "Residential and Residential-Related" use category of the Winnipeg Zoning By-law and the Downtown Winnipeg Zoning By-law. It includes single-family homes, multi-family residential buildings, mixed-use buildings with residential occupancies, and group-living residential buildings, as those terms are used in the zoning by-laws;

"subsidy" means one of the subsidies offered in section 3;

"sump pit drainage system" means a sump pit and pump that falls within one of the categories set out in Appendix A;

Subsidies offered

3(1) Subject to the availability of funding in any year and subject to the provisions of this By-law, upon application and approval by a designated employee:

(a) 60% of eligible costs or $1,000, whichever is less, is payable to the owner of an eligible residential building for the installation of an eligible in-line backwater valve;

(b) 60% of eligible costs or $2,000, whichever is less, is payable to the owner of an eligible residential building for the installation of a sump pit drainage system;

(c) 60% of eligible costs or $3,000, whichever is less, is payable to the owner of an eligible residential building for the installation of both eligible devices.

3(2) No subsidy may be paid unless the designated employee is satisfied that the requirements of this By-law have been met.

3(3) Subsidies are offered on the basis that the applicant agrees:

(a) that the City is not liable for any of the work, materials, equipment or anything else related to the installation of the eligible devices for which subsidies are paid under the program;

(b) not to make any claim or take any action against the City in respect of the program; and

(c) to indemnify the City against any claim made by any other person in respect of the applicant's participation in the program or eligible devices for which the applicant has applied for a subsidy.

Eligible owners

4 In order to qualify for a subsidy under section 3, the applicant must:

(a) have been the owner of the eligible residential property at the time the eligible device received a final inspection;

(b) not owe taxes or a debt to the City of Winnipeg at the time the subsidy is to be paid;

(c) apply for the subsidy in a form acceptable to the designated employee within one year of the final inspection having been conducted on the eligible device;

(d) provide information reasonably required by the designated employee to evaluate the application; and

(e) provide evidence reasonably required by the designated employee to demonstrate compliance with this By-law.

Eligible residential buildings

5(1) In order to qualify for a subsidy under section 3, a residential building:

(a) must be within the city of Winnipeg and connected to a City of Winnipeg wastewater sewer;

(b) must not have had the eligible device for which the subsidy is sought installed before May 1, 2010; and

(c) must not have been required by the Manitoba Building Code to have the eligible device installed at the time of construction.

5(2) Only one subsidy is payable for each eligible device on each private sewer service pipe servicing a residential building.

Permit and inspection requirements

6 In order to qualify for a subsidy under section 3:

(a) all required permits for the installation of the eligible device must have been obtained after May 1, 2010, and prior to the eligible device being installed; and

(b) a final inspection of the eligible device must have taken place after May 1, 2010.

Eligible costs

7(1) Subject to this section, expenses directly related to the installation of the eligible device are eligible to be subsidized, including:

(a) permits taken out by licensed plumbers, licensed electricians, and contractors;

(b) estimates obtained from licensed plumbers, licensed electricians and contractors;

(c) labour provided by a licensed plumber, licensed electrician, and, subject to subsection (2), a contractor unless the property owner has taken out the relevant permit for the work;

(d) materials, including eligible in-line backwater valves, sump pumps, sump pits, pipes, couplings, sump discharge hoses and electrical wiring;

(e) removal of existing base flooring, such as concrete or wood, to the extent necessary for the installation of the eligible device, and replacement of the base flooring;

(f) equipment rental; and

(g) GST and PST applicable to the above.

7(2) Labour provided by a contractor to install a sump pit drainage system is eligible to be subsidized if the work is done under a building permit issued to the contractor.

7(3) The following costs are not eligible for a subsidy:

(a) labour provided by the property owner;

(b) labour, materials or any other costs that were incurred for work that was not authorized by a permit or has not received a final inspection;

(c) labour provided by a licensed plumber, licensed electrician or contractor who has not taken out the relevant permit for the work;

(d) installation of a backflow prevention device that is not an eligible in-line backwater valve;

(e) indirect costs resulting from the installation of the eligible device;

(f) interior restorations, including drywall, paint, and cosmetic flooring such as carpeting, tile or vinyl that covers the cement or wooden base floor;

(g) exterior restorations, including landscaping costs, restored or replaced decks, porches, concrete or asphalt;

(h) improvements to the building; or

(i) maintenance or replacement of an existing eligible device.

Administration

8(1) The designated employee is authorized to establish:

(a) the form of the application;

(b) the information that must be submitted by the applicant in order to evaluate the application; and

(c) the evidence that must be submitted by the applicant in order to demonstrate compliance with this By-law;

8(2) Subsidies are payable in the order in which complete applications have been made, that is, on a “first-come, first-served” basis.

8(3) Where qualifying applications for subsidies exceed the funding for the program approved by Council for a given year, subsidies in any subsequent year in which funding for the program is approved by Council are payable first to applicants who qualified for the subsidy in the year in which insufficient funds were available.

Appeals

9(1) Any appeal permitted by The City of Winnipeg Charter in respect of this By-law must be made to the Standing Policy Committee on Infrastructure Renewal and Public Works.

9(2) Appeals must be in writing and accompanied by an appeal fee established by Council.

Attachment A incorporated
10 Attachment A, attached hereto, forms part of this By-law.

Penalty for false statement on application
11 Any person who deliberately provides false or misleading information when applying for a subsidy commits an offence that is punishable, upon summary conviction, to a fine of no less than $5000.00.

DONE AND PASSED, this day of , 2011.

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Mayor

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City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

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For Director of Legal Services/City Solicitor

APPENDIX "A" TO THE BASEMENT FLOODING PROTECTION SUBSIDY PROGRAM BY-LAW

ELIGIBLE SUMP PIT DRAINAGE SYSTEMS

CATEGORY 1 – SUBSURFACE DRAINAGE SYSTEMS

1A This sump pit discharge system complies in all respects with s. 23 of the Winnipeg Building By-law and the pamphlet entitled "Sump Pits and Pumps: the Winnipeg Building By-law No. 4555/87" published by the City of Winnipeg Planning, Property and Development Department in February 2001. It is directly connected to weeping tiles surrounding the building and discharges the subsurface water collected by weeping tiles to the exterior of the building in accordance with s. 23.

1B This sump pit discharge system differs in one respect from 1A. It is directly connected to weeping tiles surrounding the building and discharges the subsurface water collected by weeping tiles to the exterior of the building in accordance with s. 23 of the Winnipeg Building By-law. It complies in all respects with s. 23 of the Winnipeg Building By-law, except s. 23.2.1(c). However, although the sump pit does not have a minimum floor area of at least 0.46m^2, it is at least 0.61m in diameter and 0.8m in depth.

CATEGORY 2 – EMERGENCY DRAINAGE SYSTEM

2 This sump pit discharge system complies in all respects with s. 23 of the Winnipeg Building By-law except s. 23.1.2 and s. 23.2.1(c). Unlike Category 1, it is not typically directly connected to weeping tiles surrounding the building, although a single point of connection is permitted. Instead, weeping tiles are connected to the pipe leading out of the building to the wastewater sewer. An overflow pipe from the pipe that leads out of the building to the wastewater sewer is connected to the sump pit drainage system, in compliance with the pamphlet entitled "Sump Pits Eligible device Guidelines: Guidelines for the Eligible device of a sump pump and pit for an existing single family dwelling" published by the City of Winnipeg Planning, Property and Development Department in March 2000. Like Category 1B, the sump pit does not have a minimum floor area of at least 0.46m^2, but is at least 0.46m in diameter and 0.8m in depth.