THE CITY OF WINNIPEG

BY-LAW NO. 116/2003

A By-law of the City of Winnipeg to make miscellaneous amendments to various by-laws.

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

Short title

1 This By-law shall be referred to as the "Charter Implementation By-law, 2003".

By-law No. 17267

2 By-law No. 17267 is amended

(a) in the preamble, by striking out "*The Municipal Council of"*; and

(b) by adding the following immediately after section 2:

3. The Director of Community Services and his/her delegates 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, have the powers of a "designated employee" under The City of Winnipeg Charter.

4. Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

5. Where an address for service must be determined, it shall be done as follows:

(a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property may be used; and

(b) if the person to be served is the occupant of real property, the street address for that property may be used.

6. An appeal from an order to remedy a contravention of this By-law may be made to the Standing Policy Committee on Protection and Community Services in accordance with The City of Winnipeg Charter.

By-law No. 19791

3 The Winnipeg Heating By-law No. 19791 is amended

(a) by repealing the preamble and "*NOW THEREFORE the Municipal Council of*";

(b) in clause 2(b), by striking out "*hearing*" and substituting "*heating*"; and

(c) by renumbering the sections following section 2 from 3 to 8 consecutively.

By-law No. 692/74

4 The Encroachment By-law No. 692/74 is amended

(a) in clause 5(b), by striking out "*City Treasurer*" and substituting "*the City*"; and

(b) in subsection 7(2), by striking out "*City Treasurer*" and substituting "*Chief Financial Officer*".

By-law 1484/77

5 The Fire Alarm Systems By-law No. 1484/77 is amended

(a) in section 1, by setting out the definitions in alphabetical order;

(b) in section 4, by striking out "*Chief of the Fire Department*" and substituting "*Fire and Paramedic Chief or delegate*";

(c) in section 10, by striking out "*responsible of*" and substituting "*responsible for*"; and

(d) in section 15, by striking out "*Standing Policy Committee on Planning and Community Services*" and substituting "*Standing Policy Committee on Property and Development*".

By-law No. 2890/81

6 The Firearms By-law No. 2890/81 is amended in section 3, by striking out "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*".

By-law No. 3389/83

7 The Exotic Animal By-law No. 3389/83 is amended by striking out "*of Man and Nature*" in subsection 2(3).

By-law 4304/86

8 The Residential Buildings Fire Safety By-law No. 4304/86 is amended

(a) in subsection 11(1), by striking out "*an exemption from*"; and

(b) in section 14, by striking out "*Standing Policy Committee on Planning and Community Services*" and substituting "*Standing Policy Committee on Property and Development*".

By-law No. 4903/88

9 The Maintenance and Occupancy By-law No. 4903/88 is amended

(a) in section 2, by renumbering the subsections following subsection 2.2 as 2.3 to 2.9 consecutively; and

(b) in subsections 2.8 and 2.9, by striking out "*Standing Policy Committee on Planning and Development*" and substituting "*Standing Policy Committee on Property and Development*".

By-law No. 5888/92

10 The Waterway By-law No. 5888/92 is amended in subsection 4.3 by striking out "*prose*" and substituting "*proposed*".

By-law No. 5894/92

11 The Board of Adjustment By-law No. 5894/92 is amended in clause 4(1)(c) by striking out "*or*" and substituting "*of*".

By-law No. 5895/92

12 The Boulevard Maintenance By-law is amended by renumbering the two subsections in section 2 as 2(1) and 2(2) respectively.

By-law No. 5901/92

13 By-law No. 5901/92 is repealed.

By-law No. 6551/95

14 The City of Winnipeg License By-law No. 6551/95 is amended

(a) in the title, by striking out "*trades*" and substituting "*businesses*";

(b) in section 2, by adding the following definition in alphabetical order:

"Appeal Committee" *means the committee referred to in clause 4(10)(f).*

(c) in subsection 4(10), by striking out clause (f) and substituting the following:

(f) an appeal from a decision of the Community Committee may be made in accordance with The City of Winnipeg Charter to the Standing Policy Committee assigned responsibility for hearing these appeals under section 13.1 of the City Organization By-law;

(d) in clauses 4(10)(g), (h) and (i), by striking out "*Standing Policy Committee on Property and Development*" and substituting "*Appeal Committee*".

By-law No. 6726/95

15 The Vehicles By-law No. 6726/95 is amended in clause 10(2)(b) by striking out "*The Off-Roads Vehicle Act*" and substituting "*The Off-Road Vehicles Act*".

By-law No. 6990/97

16 The Local Improvement District Procedures By-law No. 6990/97 is amended

(a) by striking out the preamble and "***NOW THEREFORE***"; and

(b) in section 2, by striking out "*clause 392.1(2)(b) of The City of Winnipeg Act*" and substituting "*section 427 of The City of Winnipeg Charter*".

By-law No. 7070/97

17 The Sewer By-law No. 7070/97 is amended

(a) in section 2, by striking out the definition of ***"City"*** and substituting the following:

"City" *means the City of Winnipeg.*

(b) by numbering as (1) the paragraph under the heading "***3. Administration***" and adding the following paragraph immediately thereafter:

(2) The Director may authorize persons to enter onto private property to inspect, install, maintain, repair, replace, alter or remove any public service works or other works used or intended to be used by the City to provide services to the public or to ensure or secure the proper and safe drainage of land or the proper and safe flow of a watercourse or waterway in the city.

(c) in section 24, by striking out "*The City of Winnipeg Act*" and substituting "*The City of Winnipeg Charter*"; and

(d) in section 59, by striking out "*The City of Winnipeg Act*" wherever it appears and substituting "*The City of Winnipeg Charter*".

By-law No. 7100/97

18 The City Organization By-law No. 7100/97 is amended in Appendix "G" by striking out the ward names "*St. James*" and "*Fort Rouge*" and substituting the ward names "*St. James – Brooklands*" and "*Fort Rouge – East Fort Garry*" respectively.

By-law No. 7155/98

19 The Heritage Conservation Tax Credit By-law No. 7155/98 is amended by adding the following as Schedule "A" to the By-law:

SCHEDULE "A"

Standards for Conservation

On August 19, 1995, City Council approved a Consolidated Policy for Funding the Conservation of Heritage Buildings. This policy includes a series of standards which are to be applied to specific heritage projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

3. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*

6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of*

structures, if appropriate, shall be undertaken using the gentlest means possible.

8. *Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

9. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

10. *New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

By-law No. 7294/98

20 The Lot Grading By-law No. 7294/98 is amended

(a) in section 2, by adding the following definition in alphabetical order:

"building" *means any structure used or intended for supporting or sheltering any use or occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures.*

(b) in section 2, by striking out the definition of **"*splash pad*"** and substituting the following:

"splash pad" *means a cast-in-place or pre-cast concrete structure rigidly attached to a building to carry roof runoff and weeping tile water away from the building foundation.*

(c) in section 2 by repealing the definition of **"*structure*"**;

(d) except in the definition of **"*building*"** and **"*splash pad*"**, by striking out "*structure*" wherever it appears and substituting "*building*".

By-law No. 7489/99

21 By-law No. 7489/99 is amended

(a) by repealing section (a) of the preamble;

(b) by repealing section (c) of the preamble and substituting the following:

(c) The Director of Planning, Property and Development and his/her delegates are authorized to grant minor tolerances in determining compliance with those by-law provisions; and

(c) by repealing section 1 and substituting the following:

1. Where pursuant to Part 6 of The City of Winnipeg Charter the City has entered into a development agreement with the owner of real property as a condition of adoption of or amendment to a zoning by-law, the Director of Planning, Property and Development or his/her delegate may in writing amend any provision of that agreement in order to establish a zoning tolerance.

1.1 In this By-law:

"zoning tolerance" means

(i) in the case of a variance of any yard or space separation, a variance not exceeding 5% of the requirement set out in the development agreement or 0.3 m, whichever is the greater; and

(ii) in any other case, a variance not exceeding 5% of the requirement set out in the development agreement.

(d) by adding the following after section 2:

"3. This By-law shall be referred to as the "Zoning Agreement Tolerance Amendment By-law"."

By-law No. 7600/2000

22 The Secondary Dyke By-law No. 7600/2000 is amended in section 2 by placing the definition of ***"structure"*** in alphabetical order.

By-law No. 7983/2002

23 The Vacant Dwellings By-law No. 7983/2002 is amended

(a) in section 2, by setting out "*fire protection system*" and "*fire alarm system*" in alphabetical order;

(b) by renumbering the subsections following subsection 9(2) from 9(3) to 9(4) consecutively.

By-law 8111/2002

24 The Business Improvement Zone Procedures By-law No. 8111/2002 is amended

(a) in section 2, by adding the following definition in alphabetical order:

"zone levy" *means that portion of a zone's budget required to be collected through the imposition of a business improvement zone tax.*

(b) in section 22 by striking out "*approved budget*" wherever it appears and substituting "*zone levy*"; and

(c) in subsection 22(3), by striking out "*budget approved by Council*" and substituting "*zone levy*".

By-law No. 8151/2002

25 The Unsightly Premises By-law No. 8151/2002 is amended in Schedule "A" by renumbering section 8 and subsection 9(1) as section 1 and subsection 2(1), respectively.

By-law No. 8162/2002

26 The Charter Implementation By-law No. 8162/2002 is amended

(a) in clause 29(b), by striking out "*section 1*" and substituting "*section 4*";

(b) in clause 29(c), by adding "*except in the definition of* ***"Authority having jurisdiction"*** " after "*By-law*".

DONE AND PASSED, in Council assembled, this day of , 2003.

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Mayor

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City Clerk

Certified as to form:

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for City Solicitor/Manager of
Legal Services