THE CITY OF WINNIPEG

BY-LAW NO. 42/2015

A By-law of THE CITY OF WINNIPEG to amend the Doing Business in Winnipeg By-law No. 91/2008 and other By-laws to reflect the termination of licencing of food service establishments, body modification establishments and technicians, and pools and whirlpools.

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

Doing Business in Winnipeg By-law amended

1 The Doing Business in Winnipeg By-law No. 91/2008 is amended:

(a) in subsection 11(1), by replacing everything before clause (a) with *"A designated employee may suspend a licence for a period of up to 30 days without prior notice to the licence holder if";*

(b) in subsection 13(4), by replacing "Subject to subsection (4.1), licence" with "Licence"; and

(c) by repealing the following:

(i) subsection 13(4.1),

(ii) Divisions One, Three and Eight of Part 3,

(iii) section 92,

(iv) Schedule B.

Body Modification By-law amended

2(1) The Body Modification By-law No. 40/2005 is amended by this section.

2(2) Section 2 is amended:

(a) in the definition of "*Body Modification Technician*", by striking out "*licensed*" and replacing it with "*certified by a Public Health Inspector*"; and

(b) by repealing the definition of "***License***".

2(3) Section 4 is amended:

(a) in clause (1)(a), by striking out "*and without complying with the provisions of The Doing Business in Winnipeg By-law as amended from time to time*";

(b) in clause (2)(a), by replacing "*license under, and complying with the provisions of The Doing Business in Winnipeg By-law*" with "*certificate from a Public Health Inspector confirming the person's competence to engage in body modification*"; and

(c) in clause (2)(b) by striking out "*license*" and substituting "*certificate*".

2(4) Subsection 7 is amended by replacing "*All instruments*" with "*Unless otherwise approved by a Public Health Inspector, all instruments"*.

Food Service Establishment By-law No. 5160/89 amended

3 Section 5 of the Food Service Establishment By-law No. 5160/89 is amended by

(a) striking out *"AND LICENSES"* in the title; and

(b) striking out "*and without complying with the provisions of the Doing Business in Winnipeg By-law*" in subsection 5.1.

Streets By-law amended

4(1) The Streets By-law No. 1481/77 is amended by this section.

4(2) Clause 4.01.02(a) is replaced with the following:

(a) clause 4.01.01(c) does not apply to a mobile vendor who is operating a mobile food unit parked or located on a street under the authority of a Mobile Vendor's Parking Permit issued under the Traffic By-law;

4(3) The following is added after subsection 4.01.05:

4.01.06 A designated employee may issue a Use of Street Permit to a mobile vendor, authorizing the vendor to conduct business on a boulevard or sidewalk. A vendor operating out of a motor vehicle or a trailer that is parked on a roadway or shoulder is not eligible for such a permit.

4.01.07 In addition to conducting business only in compliance with a Use of Street Permit which authorizes it, a mobile vendor must not conduct business:

(a) on a roadway or with a person who is on a roadway;

(b) on a street where the posted speed limit for vehicular traffic exceeds 60 kilometres per hour or within 20 metres of such a street;

(c) in a manner that obstructs or causes a danger to or from pedestrian or vehicular traffic;

(d) within 5 metres of an intersection or crosswalk;

(e) within 3 metres of the public entrance to a building;

(f) within 20 metres of a bus stop;

(g) within 20 metres of the vehicular or pedestrian entrance to a park;

(h) if the mobile vendor is selling food, within 20 metres of a restaurant, grocery store or other food service establishment that is located in a building.

Traffic By-law amended

5(1) The Traffic By-law No. 1573/77 is amended by this section.

5(2) Section 26 entitled "*PARKING PERMITS"* is renumbered section 26.1.

5(3) Section 26.1 is amended by adding the following subsection:

(4) The Chief Operating Officer of the Winnipeg Parking Authority is authorized to issue Mobile Vendor's Parking Permits in accordance with Schedule 16 of this By-law. Notwithstanding clause 26(b) but subject to clause 26(a), a vehicle that

(a) is identified in a valid Mobile Vendor's Parking Permit;

(b) if physical Mobile Vendor's Parking Permits are issued by the Chief Operating Officer, has the Permit displayed on or in the vehicle so that it is visible from outside the vehicle; and

(c) is parked at a location to which the Permit applies;

is not subject to a traffic control device that limits the amount of time a vehicle may be parked at that location.

5(4) The following is added after section 26.2:

MOBILE VENDORS

26.3 In addition to obtaining and complying with a Mobile Vendor's Parking Permit, a mobile vendor may carry on business from a vehicle parked on a roadway only if

(a) the vehicle is legally parked in compliance with City of Winnipeg by-laws and The Highway Traffic Act;

(b) business is being conducted only with pedestrians who are located on a boulevard or sidewalk and not with anyone on a roadway;

(c) neither the vehicle nor its customers are obstructing vehicular or pedestrian traffic, and neither pose a risk to, nor are at risk from, vehicular or pedestrian traffic;

(d) the vehicle is not located within

(i) three metres of the public entrance to a building;

(ii) 20 metres of the vehicular or pedestrian entrance to a park;

(iii) on a street on which the posted speed limit for vehicular traffic exceeds 60 km/h or within 20 metres of such a street;

(e) the vehicle is registered under The Drivers and Vehicles Act, C.C.S.M. c. D104; and

(f) in the case of a mobile vendor who is selling food,

(i) the owner or operator of the mobile food unit holds a valid permit issued under section 3 of the Food and Food Handling Establishments Regulation, Manitoba Regulation 339/88R*; and*

(i) *the vehicle is located no closer than 20 metres from the nearest entrance to a restaurant, grocery store or other retail food service establishment.*

5(5) The Schedule to this By-law is added as Schedule 16 to the Traffic By-law:

Parking Meter By-law amended

6 The Parking Meter By-law No. 6547/95 is amended by

(a) repealing subsection 6(2.1); and

(b) renumbering section 10 as subsection 10(1) and adding the following immediately after it:

10(2) Notwithstanding clauses 6(1)(b) and (e), the owner and operator of a vehicle that is identified in a valid Mobile Vendor's Parking Permit issued under section 26.1 of the Traffic By-law No. 1573/77 *are not guilty of an offence for parking in a metered space without charge and for longer than the maximum time for which a fee may be paid for parking a vehicle in that space*.

Coming into force

7 This By-law comes into force on April 1, 2015.

DONE AND PASSED, this 25th day of March, 2015.

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Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Approved as to form:

_____
For Acting Director of Legal Services and
City Solicitor

Schedule to By-law No. _____/2015

SCHEDULE 16 TO THE TRAFFIC BY-LAW NO. 1573/77

MOBILE VENDOR'S PARKING PERMITS

Eligibility

1. The Chief Operating Officer of the Winnipeg Parking Authority may issue a Mobile Vendor's Parking Permit with respect to a vehicle if the applicable application or permit fees have been paid; and either

(a) the vehicle for which a permit is sought is a motor vehicle or a trailer that is designed so that food or other goods or services can be served or provided from within the vehicle to customers who are located either within or outside the vehicle; or

(b) the motor vehicle for which a permit is sought is used to tow or otherwise transport a mobile vendor for which a use of street permit has been issued under the Streets By-law.

Application process

2. The Chief Operating Officer of the Winnipeg Parking Authority may require an application for a Mobile Vendor's Parking Permit to be made in or on a particular form and may require applicants to provide information and supporting material that is reasonable to process, assess and issue the Permit.

Conditions of Permit

4. The Chief Operating Officer may impose conditions on a Mobile Vendor's Parking Permit, including those that limit a permit's application to particular locations, streets or areas of the City.

Refusal to issue and revocation of Permit

5. The Chief Operating Officer of the Winnipeg Parking Authority may refuse to issue a Mobile Vendor's Parking Permit if a fine or administrative penalty for a contravention of a parking provision in any City by-law, whether by the applicant or in respect of the vehicle for which a Permit is sought, is outstanding.

6(1) The Chief Operating Officer of the Winnipeg Parking Authority may revoke a Mobile Vendor's Parking Permit if

(a) a fine or administrative penalty for a contravention of a parking provision in any City by-law in respect of the vehicle for which a Permit is sought is still owing on the date the City is entitled to take collection proceedings in respect of it;

(b) the vehicle for which the Permit was issued is or has been repeatedly stopped or parked on a street in a manner that breaches the by-law or a condition of the Permit.

6(2) Before revoking a Mobile Vendor's Parking Permit, the Chief Operating Officer of the Winnipeg Parking Authority must give or send the permit holder a notice stating

(a) his or her intention to revoke the permit and why;

(b) that the permit holder may respond to the notice by

(i) in the case of a revocation due to unpaid fines or administrative penalties, paying the outstanding fines or administrative penalties or entering into a payment arrangement satisfactory to the Chief Operating Officer within 15 days of the date the notice is given or sent; or

(ii) providing reasons why the permit should not be revoked; and

(c) that the permit will be revoked if the permit holder fails to respond within seven days of the date the notice is given or sent, or such longer period of time as set out in the notice.

6(3) The Chief Operating Officer may revoke the Mobile Vendor's Parking Permit by giving or sending a notice to the permit holder.

6(4) When a permit holder has had a Mobile Vendor's Parking Permit revoked, he or she is not eligible for another Permit for a period of one year.

6(5) A notice under this Schedule may be given by personal service or may be sent by delivery or registered mail to an address provided for this purpose by the permit holder, and is deemed to have been sent on the date that it is delivered to the address.