THE CITY OF WINNIPEG

BY-LAW NO. 95/2015

A By-law of THE CITY OF WINNIPEG to amend the Local Improvement Regulation By-law

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

Local Improvement Regulation By-law amended

1 The Local Improvement Regulation By-law No. 98/72 is amended by this By-law.

Section 2.3 amended

2 Clauses 2.3(viii) and (ix) are replaced with the following:

(viii) street lighting

Section 2.4 amended

3 Subsection 2.4(1) is amended by adding the following immediately after clause (e):

(f) street lighting,

Section 5.1 replaced

4 Section 5.1 is replaced with the following:

5.1 ***STREET LIGHTING***

(1) *In this section,*

"back lane" *means a roadway which has been designed, constructed and intended to provide access to and service at the rear of places of residence or business and includes alleys having a width of not more than 9 metres;*

"completed"*, in relation to a street lighting local improvement project, means that the street lighting is operational;*

"street" *has the same meaning as in* The City of Winnipeg Charter *and includes a back lane.*

(2) *Subject to this By-law, when street lighting has been constructed as a local improvement, local improvement taxes shall be imposed on all parcels of land fronting on a street or lane, or portion of a street or lane, in which the street lighting was constructed or which are otherwise served by the lighting, as determined by this By-law, including parcels of land served by the lighting on their flankage only.*

(3) *The local improvement taxes referred to in subsection (2) that are imposed on a parcel of land shall be calculated by multiplying the rate determined in accordance with this section against the number of feet of frontage, as determined in accordance with this By-law, of each parcel of land referred to in subsection (2), taking into account any allowances provided by this By-law or variations imposed pursuant to section 13.*

(4) *Subject to subsection (6), the rate for calculating the local improvement taxes imposed under subsection (2) shall be determined by dividing the actual costs of constructing all similar street lighting local improvement projects completed in that calendar year by the total number of feet of frontage of all parcels of land fronting on similar street lighting local improvement projects, taking into account any allowances provided by this By-law or variations imposed pursuant to section 13.*

(5) For the purposes of subsection (4), a determination as to whether two or more street lighting local improvement projects are similar shall be made by the Director of Public Works or his or her delegate on the basis of

(a) whether the street lighting local improvement projects are located on a street or on a back lane; and

(b) the similarity of the bases, standards, and fixtures of the street lighting projects.

(6) Notwithstanding subsection (4), where a street lighting local improvement is proposed by Council rather than by petition, the maximum rate payable shall be determined by dividing the estimated costs of installing a standard street lighting project by the total number of feet of frontage of all parcels of land fronting on that local improvement, taking into account any allowances provided by this By-law or variations imposed pursuant to section 13.

(7) For the purposes of subsection (6),

(a) the costs of a standard street lighting project shall be estimated by the Director of Public Works or his or her delegate; and

(b) a determination of what constitutes a standard street lighting project shall be made by the Director of Public Works or her or her delegate on the basis of the usual or dominant form of street lighting in the community or neighbourhood in which the local improvement is located.

Section 9 amended

5 Section 9 is amended by

(a) adding "*or*" after clause (c); and

(b) replacing clauses 9(1)(d) and (e) with

(d) street lighting,

Section 11 amended
6 Clause 11(c) is repealed.

DONE AND PASSED, this 30th day of September, 2015.

Mayor

City Clerk

Approved as to content:

Director of Public Works

Approved as to form:

For Director of Legal Services/City Solicitor