THE CITY OF WINNIPEG

BY-LAW No. 54/2016

A By-law of THE CITY OF WINNIPEG to amend the fees found in various by-laws pursuant to Appendix 8 to the 2016 Operating Budget.

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

Part One
Amendments to the Planning, Development and Building Fees By-law

Planning, Development and Building Fees By-law amended

1 The Planning, Development and Building Fees By-law No. 77/2009 is amended by this Part.

Section 7.1 added

2 The following is added after section 7:

Collection of overdue accounts

7.1 Where the City initiates collection proceedings for the collection of an account which has not been paid 30 days after it is due and payable, the following administrative fee is imposed, in addition to any other charges and fees required, for each unpaid invoice: $150.00

Part 4 amended

3 Part 4 is amended:

(a) by replacing section 26 with the following:

Plans of subdivision

26 The following fees are hereby imposed for a development application for the approval of a plan of subdivision:

(a) DAS fee (subdivide property, create new rights-of-way, public hearing required for subdivision approval)

(i) base fee $6,450.00

(ii) additional fee per acre $400.00
(to a maximum of $20,000.00)

(b) DASSF fee (subdivide property, does not create new rights-of-way, public hearing not required for subdivision approval)

(i) base fee $3,450.00

(ii) additional fee per acre $400.00
(to a maximum of $15,000.00)

(c) DASZ fee (approval of plan of subdivision and rezoning of the land contained in the subdivision)

(i) base fee $12,375.00

(ii) additional fee per acre $400.00
(to a maximum of $50,000.00)

(b) in subsection 27(a), by:

(i) replacing *"DAS or DASZ file"* with *"DAS, DAZ or DASZ file"*; and

(ii) replacing *"$365.00"* with *"$719.00"*.

(c) in subsection 27(b), by replacing *"$365.00"* with *"$719.00"*;

(d) in subsection 27(d), by replacing *"$228.00"* with *"$365.00"*;

(e) by replacing subsection 31(a) with the following:

(a) DAPS filing fee (development application for approval of a plan of survey)

(i) base fee $3,450.00

(ii) additional fee per acre $400.00
(to a maximum of $15,000.00)

(f) in clause 32(1)(b), by replacing *"$668.00"* with *"$1,168.00"*;

(g) by adding the following after section 32:

Assignment of servicing and development agreements

32.1 The following fee is hereby imposed where the City's consent is required for the assignment of a servicing or development agreement: $719.00

(h) in subsection 34(a), by replacing *"$944.00"* with *"$1,100.00"*;

(i) in subsection 34(b), by replacing *"$944.00"* with *"$2,000.00"*;

(j) in subsection 34(c), by replacing *"$944.00"* with *"$2,000.00"*;

(k) in subsection 35(a), by replacing *"$424.00"* with *"$4,000.00"*;

(l) in clause 36(1)(a), by replacing *"$448.00"* with *"3,000.00"*;

(m) by replacing section 38 with the following:

Zoning by-law amendment

38 The following fees are hereby imposed with respect to applications for rezoning of properties or a text amendment to a zoning by-law:

(a) DAZ fee

(i)	*base fee*	*$11,250.00*
(ii)	*additional fee per acre (to a maximum of $50,000.00)*	*$400.00*

(n) in clause 39(1)(a), by replacing *"$668.00" with "$1,168.00"*;

(o) in section 40, by replacing *"$1,301.00"* with *"$1,800.00"*;

Part 6 amended

4 Part 6 is replaced with the following:

Simple encroachments

51 The following fees are hereby imposed with respect to simple encroachments which may be approved by the Public Service:

(a) Encroachments related to single-family and two-family dwellings and accessory structures:

(i)	*application fee*	*$125.00*
(ii)	*annual encroachment licence fee*	
(A)	*first 5m^2 or less of encroaching occupied space*	*$75.00*
(B)	*each additional 5m^2 or portion thereof*	*$40.00*

(b) Encroachments related to all other property types, including multiple-family dwellings, row housing, and commercial or industrial, including seasonal patios:

(i)	*application fee*	*$200.00*
(ii)	*annual encroachment licence fee*	
(A)	*first 5m^2 or less of encroaching occupied space*	*$100.00*
(B)	*each additional 5m^2 or portion thereof*	*$60.00*

Sign encroachments

52 The following fees are hereby imposed with respect to sign encroachments:

(a) application fee $150.00

(b) annual licence administration fee $50.00

(c) annual licence fee per m^2 (or portion thereof) of encroachment area (first year rates per m^2 of encroachment area to be charged on a pro-rated basis for each month or part therof) $12.00

All other encroachments

53 The following fees are hereby imposed with respect to all other encroachments which are of an unusual or commercial nature, requiring approval by Council or by a designated employee:

(a) application fee (includes legal processing fees)

(i) requiring approval of a designated employee but not Council approval (not including seasonal patios) with simple legal agreements $1,500.00

(ii) requiring Council approval (not including seasonal patios) with simple legal agreements $2,000.00

(iii) requiring approval of a designated employee but not Council approval (not including seasonal patios) with complex legal agreements $3,700.00

(iv) requiring Council approval (not including seasonal patios) with complex legal agreements $4,500.00

(b) annual licence administration fee $375.00

(c) annual licence fee per m^2 (or portion thereof) of encroachment area (first year rates per m^2 of encroachment area to be charged on a pro-rated basis for each month or part thereof) $25.00

Payment of annual licence fees

54(1) An annual encroachment licence fee imposed by this Part is payable in respect of each calendar year, or part of a calendar year, during which the encroachment has been maintained.

54(2) The following administration fee is hereby imposed for late payment of annual encroachment licence fees: $15.05

Encroachment licence fee refund

55 Notwithstanding any other provision of this By-law or another by-law, no refund of any portion of an encroachment licence fee is payable upon cancellation of a licence.

Encroachment discharge fee

56 The following fee is hereby imposed with respect to the preparation of a discharge of an existing encroachment of any type, excluding seasonal patios: $100.00

Part 7 amended

5 Part 7 is amended:

(a) by replacing sections 58 to 64 with the following:

Type A variances

58(1) The following fees are hereby imposed with respect to applications for minor tolerances of zoning by-laws, regulations and/or rules which are reviewed and approved or denied by the Director:

(a)	*single-family or two-family dwellings – new construction or additions*		
	(i)	*first variance before construction*	*$150.00*
	(ii)	*first variance post construction*	*$300.00*
	(iii)	*each additional variance before construction*	*$100.00*
	(iv)	*each additional variance post construction*	*$200.00*
(b)	*single-family or two-family dwellings – accessory structures*		
	(i)	*first variance before construction*	*$100.00*
	(ii)	*first variance post construction*	*$150.00*
	(iii)	*each additional variance before construction*	*$50.00*
	(iv)	*each additional variance post construction*	*$75.00*
(c)	*all other residential and commercial construction*		
	(i)	*first variance before construction*	*$550.00*
	(ii)	*first variance post construction*	*$800.00*
	(iii)	*each additional variance before construction*	*$200.00*
	(iv)	*each additional variance post construction*	*$300.00*

58(2) A variance fee is applicable to a parcel of land that has been or will be severed from a larger holding and does or will contain a single-family or a two-family dwelling.

Type B variances

59 The following fees are hereby imposed with respect to applications for variances which are reviewed and approved or denied by the Director:

(a)	*single-family or two-family dwellings – new construction or additions*		
	(i)	*first variance before construction*	*$600.00*
	(ii)	*first variance post construction*	*$900.00*

	(iii)	*each additional variance before construction*	*$200.00*
	(iv)	*each additional variance post construction*	*$300.00*
(b)	*single-family or two-family dwellings – accessory structures*		
	(i)	*first variance before construction*	*$350.00*
	(ii)	*first variance post construction*	*$550.00*
	(iii)	*each additional variance before construction*	*$100.00*
	(iv)	*each additional variance post construction*	*$150.00*
(c)	*all other residential and commercial construction*		
	(i)	*first variance before construction*	*$1,200.00*
	(ii)	*first variance post construction*	*$2,500.00*
	(iii)	*each additional variance before construction*	*$300.00*
	(iv)	*each additional variance post construction*	*$450.00*

Type C variances

60 The following fees are hereby imposed with respect to applications for variances where the application is reviewed by the Director, the Director makes a recommendation to the Board of Adjustment, and the application is approved or denied by the Board of Adjustment following a public hearing:

(a)	*single-family or two-family dwellings*		
	(i)	*first variance before construction*	*$600.00*
	(ii)	*first variance post construction*	*$900.00*
	(iii)	*each additional variance before construction*	*$200.00*
	(iv)	*each additional variance post construction*	*$300.00*
(b)	*all other residential and commercial construction*		
	(i)	*first variance before construction*	*$2,000.00*
	(ii)	*first variance post construction*	*$4,000.00*
	(iii)	*each additional variance before construction*	*$500.00*
	(iv)	*each additional variance post construction*	*$750.00*

Type D variances

61 The following fees are hereby imposed with respect to applications for variances where the application is reviewed by the Director, the Director makes a recommendation to the Community Committee, and the application is approved or denied by the Community Committee following a public hearing:

(a) all residential, except single-family and two-family dwellings, and commercial construction

(i)	*first variance before construction*	*$2,000.00*
(ii)	*first variance post construction*	*$4,000.00*
(iii)	*each additional variance before construction*	*$500.00*
(iv)	*each additional variance post construction*	*$750.00*

Other variances

62 The following fees are hereby imposed with respect to applications for temporary use and/or density variances: $1,500.00

Conditional Uses

63 The following fees are hereby imposed for conditional use applications:

(a) single-family or two-family dwellings

(i)	*attached secondary suite*	*$250.00*
(ii)	*attached secondary suite – post use without approval*	*$600.00*
(iii)	*detached secondary suite*	*$600.00*
(iv)	*detached secondary suite – post use without approval*	*$1,000.00*
(v)	*all others*	*$600.00*
(ii)	*all others – post use without approval*	*$900.00*

(b) all other residential and commercial construction

(i)	*before use*	*$2,500.00*
(ii)	*post use without approval*	*$5,000.00*

Appeals of approval of a variance or conditional use

63.1 The following fee is hereby imposed for appeals of decisions to approve a variance or conditional use application: $200.00

Site plan reviews

64 The following fees are hereby imposed for a site plan review:

(a) site plan review

(i)	*by Director*	*$200.00*
(ii)	*by Committee*	*$350.00*

(b) design review required in preparation for a zoning agreement $200.00

(c) second and each subsequent site plan or design review conducted with respect to the same application $200.00

(b) in section 67 and 68, by replacing *"$191.00"* with *"$250.00"*;

(c) in section 69, by replacing *"$62.00"* with *"$50.00";*

(d) in section 70, by replacing *"$189.00"* with *"200.00"*;

(e) by replacing clause 71(1)(a) with the following:

(a) for new building or new addition

(i) first review $740.00

(ii) second and each subsequent review $444.00

(f) in clause 71(1)(b), by replacing *"$126.00"* with *"$180.00"*;

(g) in clause 71(1)(c), by replacing *"$255.00"* with *"$280.00"*;

(h) in clause 71(3)(a), by replacing *"$581.00"* with *"$400.00"*;

(i) in clause 71(3)(b), by replacing *"$145.00"* with *"$150.00"*;

(j) in clause 71(3)(c), by replacing *"$232.00"* with *"$250.00"*;

(k) by adding the following after subsection 71(3):

71(4) The following fees are hereby imposed for historical building reviews required pursuant to development applications for heritage permit, as required by the Historical Resources By-law No. 55/2014:

(a) for a new addition

(i) first review $740.00

(ii) second and each subsequent review $444.00

(b) signs only $180.00

(c) all others $280.00

(l) by adding the following after section 71:

Review appeals

71.1 The following fees are hereby imposed for appeals of urban design and historical building reviews:

(a) urban design review appeal $750.00

(b) historical building review appeal $750.00

(m) in subsection 72(a), by replacing *"$62.00"* with *"$50.00"*;

(n) by replacing subsection 72(b) with the following:

(b) a letter verifying existing land use on a specific property:

(i) single- and two-family dwellings $129.00

(ii) all other $200.00

(o) in subsection 72(d), by replacing *"$129.00"* with *"$200.00"*;

(p) in subsection 72(e), by replacing *"$408.00"* with *"$250.00"*;

Section 107.1 added

6 The following is added after section 107:

107.1 The following fee is hereby imposed for permits to demolish an existing single-family or two-family dwelling without a building permit to build a replacement single-family or two-family dwelling: $500.00

Section 153.1 added

7 The following is added after section 153:

153.1(1) Subject to section 184, where a building is determined by the designated employee to be non-compliant with the Residential Fire Safety By-law No. 4304/86 such that a Final Report for the building cannot be issued by the designated employee, a monetary penalty that is in addition to any fine or penalty authorized under By-law No. 4304/86 is hereby imposed on the person responsible for the building, as defined by By-law No. 4304/86, at a rate of $100.00 per residential unit within the building found to be non-compliant, subject to a minimum penalty of $500.00 and a maximum penalty of $5,000.00.

153.1(2) The monetary penalty imposed under this section doubles in each subsequent year of non-compliance until such time as the building becomes compliant with By-law No. 4304/86.

Part Two
Amendments to Other By-laws

Tax Penalty By-law amended

8(1) The Tax Penalty By-law No. 5796/91 is amended by replacing subsection 5(1) with the following:

(1) Subject to this section, a penalty equivalent to the product of 2.25% and the amount of unpaid property taxes shall be applied to property taxes remaining due and unpaid on the dates referred to in subsection 4(1).

8(2) The Tax Penalty By-law No. 5796/91 is amended by adding the following after subsection 5(1):

(1.1) Subject to this section, a penalty equivalent to the product of 2.25% and the amount of unpaid business taxes shall be applied to the business taxes remaining due and unpaid on the dates referred to in subsection 4(1).

8(3) Subsection (1) takes effect on July 1, 2016 and subsection (3) takes effect on June 1, 2016.

Tax Sale Penalty By-law amended

9(1) The Tax Sale Penalty By-law No. 8157/2002 is amended by replacing "*1.75%*" with "*2.25%*" in section 3.

9(2) This section takes effect on July 1, 2016.

Fire Prevention By-law amended

10 The Fire Prevention By-law No. 150/2004 is amended:

(a) in subsection 60.1(2), by replacing *"$500.00"* with *"$690.00"*; and

(b) by replacing Schedule "A" with the attached document, identified as "Schedule "A" to the Fire Prevention By-law No. 150/2004".

Accommodation Tax By-law amended

11(1) The Accommodation Tax By-law No. 70/2008 is amended by replacing "*1.75%*" with "*2.25%*" in subsection 10(1).

11(2) This section takes effect on July 1, 2016.

Coming into force

12 Except where otherwise provided, this By-law comes into force on April 1, 2016.

DONE AND PASSED, this 23rd day of March, 2016.

_____

Mayor

_____

City Clerk

Approved as to content:

_____

Director of Planning, Property
and Development

Approved as to form:

_____

For Director of Legal Services/City Solicitor

SCHEDULE "A"
to the Fire Prevention By-law No. 150/2004

INSPECTION FEES

Requested or mandatory inspections

Residential care facilities (flat fee) (payable by operator of residential care facility)	$218.00
Other requested or legislatively mandated inspections (payable by person who requested inspection or owner of building)	
• each hour or part thereof	$125.00
High Hazard (F1) occupancies (payable by high hazard (F1) occupancy permit holder)	
• each hour or part thereof	$188.00

After-hours inspections
(payable by person who requested inspection)

Fireworks site inspection outside of regular Fire Prevention office hours	
• first 3 hours or less inspection time	$278.00
• each additional hour or part thereof	$125.00
Other after-hours inspection	
• each hour or part thereof	$125.00

Follow-up inspections to determine compliance
(payable by person responsible for compliance)

Second and subsequent re-inspections to check compliance with violation notice or order (for each inspection)	$104.00
Third and subsequent re-inspections to check compliance with violation notice or order when fire crews have done initial inspections (flat fee)	$140.00

Post-fire inspections
(payable by owner of building)

Post-fire inspection to ensure required fire protection systems are in place prior to re-occupancy of a building	
• each hour or part thereof	$125.00

Other inspections
(payable by owner of building)

Building inspections prompted by complaint	
• for each hour or part thereof	$125.00

Fire safety plan reviews
(payable by owner of building)

Second and subsequent review of Fire Safety Plan required by Manitoba Fire Code	
• per review	$140.00

PERMIT FEES

Open-Air Fire Permit	$104.00
Fireworks Display Permit	
• Low Hazard	No Charge
• High Hazard*	$209.00
• Pyrotechnic Special Effects	$209.00
Fireworks Distribution Permit (annual fee)	$140.00
Small Quantity Fireworks Distribution Permit (annual fee)	$34.00
Dangerous Quantities Fireworks Storage Permit (annual fee)	$278.00
Permit cancellation fee	$34.00

LICENCE FEES

Annual licence fee for qualified service person (section 37)	$26.00
Emergency installation of smoke alarm pursuant to subsection 28(2)	$140.00
Fire Extinguisher training licence fee (five years)	$133.00

MISCELLANEOUS FEES

Public Education Services provided outside regular office hours	
• For each hour of development and delivery or part thereof	$110.00

* Includes site inspection during regular office hours