Minutes – Executive Policy Committee – September 20, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 19, 2017

Item No. 14 Amendment of the Winnipeg Electrical By-Law

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That Council enact a by-law to amend the Winnipeg Electrical By-law No. 77/2015 (draft amending by-law is attached as Schedule "A") to:

    A. allow "like for like" replacement of basic electrical devices (light fixtures, switches, receptacles, etc.) without the need for an electrical permit;

    B. limit homeowner electrical permits to work that does not include more complicated electrical tasks;

    C. allow homeowners who are also licensed journeyperson electricians to acquire electrical permits exceeding the limitations placed on homeowners that are not electricians;

    D. allow for variable expiration dates of Electrical contractor's licences; and

    E. make other minor corrections to references, wording, and spelling.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 19, 2017

DECISION MAKING HISTORY:

Moved by Councillor Morantz,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: AMENDMENT OF THE WINNIPEG ELECTRICAL BY-LAW

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Dueck	J. Kiernan	n/a	D. McNeil

EXECUTIVE SUMMARY

The Canadian Electrical Code, Part I, is intended to serve as a set of national standards governing electrical installations for buildings, structures and premises throughout Canada. Local authorities are free to adapt and modify this Code for local conditions as well as to accommodate their own administrative procedures such as those pertaining to permitting requirements and inspections.

The proposed recommendations make technical and administrative modifications to the Winnipeg Electrical By-law.

Recommendations include the City no longer requiring electrical permits for housing for changing electrical devices (like for like) such as switches or light fixtures. The by-law amendment no longer allows homeowners (unless they are a journeyperson electricians) to take out electrical permits for higher risk electrical work such as greater than 200 amp service, installing renewal energy systems, or generators.

RECOMMENDATIONS

1. That Council enact a by-law to amend the Winnipeg Electrical By-law No. 77/2015 (draft amending by-law is attached as Schedule “A”) to:

    A. allow “like for like” replacement of basic electrical devices (light fixtures, switches, receptacles, etc.) without the need for an electrical permit;

    B. limit homeowner electrical permits to work that does not include more complicated electrical tasks;

    C. allow homeowners who are also licensed journeyperson electricians to acquire electrical permits exceeding the limitations placed on homeowners that are not electricians;

    D. allow for variable expiration dates of Electrical contractor’s licences; and

E. make other minor corrections to references, wording, and spelling.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to amend By-law No. 77/2015.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, then the following changes will be made to the Winnipeg Electrical By-law No. 77/2015 (the "By-law"):

1) Allow 'like for like' replacement of basic electrical devices (light fixtures, switches, receptacles, etc.) to be performed without the need for an electrical permit (refer to Item 2-004(2)(b) of Schedule A of the By-law) by a homeowner or the holder of a valid, current Journeyperson Electrician's License;

2) Limit homeowner electrical permits to work that does not include more complicated electrical tasks (refer to Item 2-004(3)(b) of Schedule A of the By-law);

3) Allow homeowners who are also licensed electricians to acquire electrical permits exceeding the limitations noted in item 2) above;

4) Remove the requirement for Electrical contractor's licenses to terminate at the end of the calendar year (refer to Item 2-008(12) of Schedule A of the By-law); and

5) Minor corrections in references, wording, and spelling (refer to Items 2-004(6), 2-004(9), 2-004(12) of Schedule A of the By-law).

HISTORY/DISCUSSION

On October 1, 2015, Council adopted the Winnipeg Electrical By-law No. 77/2015 (the "By-law") to authorize and regulate the electrical installations of building(s) or property. The By-law adopted the 2015 Canadian Electrical Code, Part I, and amended the Code as required to accommodate the enforcement procedures of the City of Winnipeg and to accommodate best practice in Manitoba as a whole. The by-law also sets out City regulations such as those pertaining to the electrical permit process and licensed contractors.

The Canadian Electrical Code, Part I, is published by the Canadian Standards Association (CSA) with input from all provinces and territories. The Code sets out standards governing electrical installations for buildings, structures and premises throughout Canada. This Code is reviewed and updated at a national level with a standard publication cycle of approximately every three years. The By-law amendments proposed primarily adjust some of the administrative process associated with electrical permits. The Winnipeg Public Service has

reviewed the By-law and recommends the following amendments to address a number of issues:

1. Allow 'like for like' replacement of basic electrical devices (light fixtures, switches, receptacles, etc.) to be performed without the need for an electrical permit (refer to Item 2-004(2)(b) of Schedule A of the By-law) by a homeowner or the holder of a valid, current Journeyperson Electrician's License.

   Currently, almost no permit applications are received for the simple replacement of electrical devices in housing situations. It is difficult to both communicate and enforce the requirement for an electrical permit with a permit fee of $77.00 to replace a receptacle which costs $2.50 or a light fixture which may cost $50.00. However, not obtaining a permit in these situations is currently a contravention of the By-law. The Public Service wants to modify the City's regulations in order to facilitate enforcement of installations with a greater risk factor.

2. Limit homeowner electrical permits to work that does not include more complicated electrical tasks (refer to Item 2-004(3)(b) of Schedule A of the By-law).

   Currently, the By-law requires homeowners to satisfy a designated employee that he or she is competent to perform the electrical work. However, due to the various electrical works being performed by homeowners and the difficulty in finding a "one size fits all" test to ensure competency, as well as the high number of permits being issued (approximately 1,500 per year) resulting in significant staff resources, tests were not administered. In place of by-law language that mandates that the Public Service be satisfied of 'competence', the language now allows this to be discretionary.

   In addition, the Public Service will be instituting a declaration form that the homeowner will complete and sign prior to an electrical permit being issued to them.

   As the nature of some work is considered to be too high risk to allow an unqualified person to undertake without proof of competency, homeowners who are not qualified journeyperson electricians will not be permitted to undertake the following electrical work:

   - electrical work greater than 200 Amps;
   - renewable energy systems (e.g.: solar photovoltaic systems, wind systems); or
   - generators.

   The discretionary language still allows the Public Service the ability to institute a test in the future. Examples of when this additional test could be employed include: new, unforeseen technology or type or nature of work not contemplated today, or for a category of applicants whose previous work has been highly deficient.

3. Allow homeowners who are also licensed electricians to acquire electrical permits exceeding the limitations noted in item 2) above;

The Public Service's position is that a homeowner who is a journeyperson electrician (albeit unlicensed as a contractor with the City of Winnipeg) has sufficient technical expertise to engage in electrical work on their own, owner-occupied single-family detached dwelling that the proposed amendments will otherwise limit for non-journeyperson homeowners.

4. Remove the requirement for Electrical contractor's licenses to terminate at the end of the calendar year (refer to Item 2-008(12) of Schedule A of the By-law).

   The current By-law requires that contractors' licenses be renewed at the end of the calendar year. This timing specificity causes significant resource challenges as the number of contractors licenses increase and a small window of time is available for renewal. To level workflow, the proposed amendments will allow a license to expire at any time of the year and will be based on issuance date rather than the calendar year.

5. Minor corrections in references, wording, and spelling (refer to Items 2-004(6), 2-004(9), 2-004(12) of Schedule A of the By-law).

FINANCIAL IMPACT

Financial Impact Statement Date: June 5, 2017

Project Name:

AMMENDMENT OF THE WINNIPEG ELECTRICAL BY-LAW

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Alana Crocker
Date: June 6, 2017
File No:

Attachments:

1) Schedule A – Draft Amending By-law

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Schedule A - Draft Amending By-law - 20