Agenda – Executive Policy Committee – December 3, 2019

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – November 19, 2019

Item No. 3 Amendments to Streets By-law No. 1481/77

STANDING COMMITTEE RECOMMENDATION:

On November 19, 2019, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the Streets By-law No. 1481/77 be amended (draft By-law attached) to allow for suspensions and revocations of licenses if fees are not paid and clarifies permit amendments for street cuts.

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

Agenda – Executive Policy Committee – December 3, 2019

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – November 19, 2019

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 19, 2019, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Amendments to Streets By-law No. 1481/77

Critical Path: Standing Policy Committee on Infrastructure Renewal and Public Works – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Neirinck, P. Eng.	J. Berezowsky	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The Public Works Department has undertaken a review of City of Winnipeg Streets By-law No. 1481/77 and identified two shortcomings in the by-law.

First, the by-law does not currently give the Department the authority to suspend a contractor's license for unpaid permits.

The requested amendments to Subsection 3.06.01 and Subsection 3.07.01 will result in a suspension of a contractor's license if permit fees are unpaid for 90 days and a cancellation of their license if they are not paid a further 30 days beyond that.

Second, rather than having to issue a new permit when the size of a street cut is larger than initially estimated, the requested amendment to Clause 4.12.01(5) will make clear that an additional permit is not required. Instead, when the estimated size of the street cut needing repair increases, the original permit can be revised by issuing an amendment notification summarizing the changes and fees payable.

RECOMMENDATIONS

1. That Council enacts a By-law (draft attached) which amends the Streets By-law No. 1481/77 to allow for suspensions and revocations of licenses if fees are not paid and clarifies permit amendments for street cuts.

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

REASON FOR THE REPORT

Amendments to by-laws require Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Amendments to the City of Winnipeg Streets By-Law 1481/77 will give the Public Works Department the authority to suspend a contractor's license for unpaid fees. The proposed amendments will allow the department to suspend a contractor's license if fees are overdue by 90 days and to revoke a contractor's license if, after the license has been suspended for overdue fees, the contractor has still failed to pay 30 days later. This will result in decreased administrative efforts in clearing up outstanding accounts. It is estimated that this will affect 10-15 contractors on an annual basis.

In addition, the proposed amendments will clarify that if the size of a street cut is larger than originally thought, the permit for the work can be amended and a new fee calculated without the need to issue a new permit for the additional size.

HISTORY/DISCUSSION

The Public Works Department has undertaken a review of the City of Winnipeg Streets By-Law 1481/77 and identified two shortcomings. The current By-Law does not give the City the authority to suspend a contractor's license for having unpaid fees. The City is sometimes placed in a position where permits are issued for works within the right-of-way to contractors who are months in arrears in permit fees. Outstanding fees result in loss of staff time due to continual on-site investigations and on-going attempts to contact applicants requesting payment.

The proposed amendments will allow the department to suspend a contractor's license if fees are overdue by 90 days and to revoke a contractor's license if, after the license has been suspended for overdue fees, the contractor has still failed to pay 30 days later. It is estimated that in 2018, 10 contractors would have been subject to suspension.

According to By-law 1481/77, license for work on street, unless a person holds a subsisting and applicable license issued under one or more City By-laws, a person must not do any of the following within or to a street:

- Landscaping;
- Excavating, including making street cuts;
- Constructing or repairing streets;
- Constructing road grades or ditches;
- Constructing or repairing water pipes, wastewater and storm sewer pipes;
- Any other work or repair or construction.

In addition, the proposed amendments will make clear that, if the size of a street cut is larger than originally thought when the permit was obtained, the permit for the work can be amended and a new fee calculated without the need to issue a new permit for the additional size.

FINANCIAL IMPACT

Financial Impact Statement **Date:** October 3, 2019

Project Name:

Amendments to Streets By-law No. 1481/77

COMMENTS:

There is no financial impact associated with the recommendation of this report.

"Original Signed by J. Peters, CGA, CPA
J. Peters, CGA, CPA
Acting Manager of Finance & Administration

CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Public Works
Division: Engineering
Prepared by: D. Teperto, C.E.T., Supervisor of Technology Services Branch
Date: October 4, 2019

Attachment : Streets By-law

THE CITY OF WINNIPEG

BY-LAW NO. /2019

A By-law of THE CITY OF WINNIPEG to amend the Streets By-law.

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

Streets By-law amended

1 The Streets By-law No. 1481/77 is amended by this By-law.

Subsection 3.06.01 amended

2 Subsection 3.06.01 is amended by

(a) striking out *"or"* at the end of clause (a);

(b) replacing the period at the end of clause (b) with a semicolon and adding *"or"* at the end of the clause; and

(c) adding the following clause after clause (b):

(c) has failed to pay outstanding fees for a permit or licence for 90 days or more.

Subsection 3.07.01 amended

3 Subsection 3.07.01 is amended by

(a) replacing the period at the end of clause (d) with *"; or "* and

(b) adding the following clause after clause (d):

(e) after having his or her licence suspended under clause 3.06.01(c) for failing to pay outstanding fees and after being sent notice by ordinary mail of the suspension and the reason for the suspension, the licence holder continues to fail to pay outstanding fees for a permit or licence for a further 30 days or more.

Clause 4.12.01(5) amended

4 Clause 4.12.01(5) is amended by replacing the second paragraph of that clause with the following:

If the size of the area requiring restoration following the work is larger than the size estimated by a designated employee when the street cut permit was issued, the permit shall be amended to account for the additional size of the area and the permit holder must pay any applicable fees associated with the additional size.

DONE AND PASSED this day of , 2019.

Mayor

City Clerk

Approved as to content:

Director of Public Works

Legally reviewed and certified as to form:

for Interim Director of Legal Services

and City Solicitor