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CONSOLIDATION UPDATE: OCTOBER 28, 2015

THE CITY OF WINNIPEG

THE LOCAL IMPROVEMENT REGULATION BY-LAW
NO. 98/72

**A By-law of THE CITY OF WINNIPEG to provide
for the regulation of local improvements.**

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

SHORT TITLE

1. This By-law may be cited as: "**The Local Improvement Regulation By-law**".

INTERPRETATION

- 2.1 In this By-law
amended 6595/95

"Charter" means *The City of Winnipeg Charter.*
amended 6595/95; 8162/2002

"combined sewer" means a pipe or conduit that carries both waste water and land drainage.

"flankage" means that boundary of a corner lot which fronts or abuts on a street or lane and forms an angle with the frontage of the lot.
amended 8162/2002

"frontage"

- (i) when used with reference to a lot abutting directly on a street or lane wherein a work is done, means that boundary or limit of the lot that fronts or abuts directly on the street or lane;
amended 8162/2002

(ii) when used with reference to a lot not abutting on the street or lane wherein a work is done, means, subject to paragraph (iii), that boundary or limit abutting on a street;

amended 8162/2002

(iii) when used with reference to a lot abutting on two intersecting streets, means the shorter of its boundaries or limits abutting on those streets.

amended 8162/2002

"fronting" includes "abutting".

"intersection" means the area of a street which is within the real or projected boundaries of a lane or another street which meets or crosses it.

"land drainage" means storm, surface, overflow, subsurface, or seepage waters or other drainage from land, but does not include wastewater.

"land drainage sewer" means a sewer that carries land drainage but excludes wastewater.

"lot" means parcel as that word is defined in the Charter.

amended 8162/2002

"sewer" means a pipe or conduit that carries wastewater or land drainage, or both.

"trunk land drainage system" means conduits, storm water retention ponds, control devices and pumping stations but does not include lateral conduits and catch basins;

amended 2258/79; 50/2008

"wastewater" means the spent water of a community from the standpoint of source. It may be a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present;

amended 2258/79

"wastewater sewer" means a sewer that carries wastewater, together with quantities of ground, storm and surface waters that are not admitted intentionally;

amended 2258/79

"work" means works or services which may be undertaken as local improvements under the *Charter* and includes the reconstructing or renewing of any such works.

amended 2258/79; 8162/2002

(2) *repealed 364/73*

2.2 For the purposes of determining the sufficiency of petitions proposing local improvements and of objections to proposed local improvements, the total real property benefited shall be based on the total length of the boundary of the real property benefited that fronts or abuts any portion of the local improvement.

amended 8/16/2002

2.3 Except as otherwise provided by by-law, the real property benefited for the purpose of levying and imposing local improvement taxes for the following classes of local improvements:

- (i) concrete walks
- (ii) boulevards
- (iii) boulevards constructed in conjunction with pavements
- (iv) wastewater sewers
- (v) land drainage sewers
- (vi) combined sewers
- (vii) watermains
- (viii) street lighting

amended 9/5/2015

- (ix) *repealed 9/5/2015*
- (x) standard pavements
- (xi) granular surface roadways
- (xii) oiled surface roadways
- (xiii) asphalt road surfaces

shall be based on the length of the boundary that fronts or abuts any portion of the local improvement, taking into account any allowances provided by by-law.

added 8/16/2002

2.4(1) Notwithstanding any other provision of this By-law, where as a condition of the City's approval of a plan of subdivision the owner of real property within the subdivision has entered into an agreement with the City which requires the owner to construct any of the following types of public works within the subdivision:

- (a) wastewater sewers;
- (b) land drainage sewers;
- (c) combined sewers;
- (d) watermains;
- (e) roadway pavements and treatments,
- (f) street lighting

added 9/5/2015

Council must not authorize local improvement taxes for those public works to be imposed against the real property within the subdivision.

added 6/0/2011

2.4(2) This section applies to plans of subdivision approved by the City after the date this by-law is passed.

added 6/0/2011

UNIFORM RATES FOR CERTAIN CLASSES OF LOCAL IMPROVEMENTS*amended 8162/2002***3.1 CONCRETE WALKS**

Whenever a concrete walk is constructed in any area of the City as a local improvement, the rate for calculating the local improvement taxes shall be a uniform rate per square meter per meter of frontage, taking into account any allowances provided by by-law, and based on the cost of constructing all concrete walks in the City in the year in which the work is done and shall be levied and imposed as follows:

- (i) where the work involves the construction of the first walk in the subject street, the total cost of that walk and any second walk shall be levied against the lots fronting on both sides of the street, and
- (ii) where there is an existing walk on one side of the subject street, the cost of which has been levied against the lots fronting on that side only, the total cost of any second walk shall be levied against the lots fronting on that side of the street on which it is constructed.

*amended 8162/2002***3.2 BOULEVARDS**

Whenever a boulevard is constructed as a local improvement, the rate for calculating the local improvement taxes shall be a uniform rate per square meter of boulevard based on the cost of constructing all boulevards in the City in the year in which the work is done, and the total cost of constructing each boulevard shall be levied against the lots fronting on that side of the street on which the boulevard is constructed at a uniform rate per square meter according to the frontage, taking into account any allowances provided by by-law.

*amended 8162/2002***3.3 BOULEVARDS CONSTRUCTED IN CONJUNCTION WITH PAVEMENTS**

Notwithstanding subsection (2), boulevards, regardless of width, when constructed in conjunction with concrete pavements or like permanent type pavements on residential streets, except centre boulevards, shall be advertised, constructed and imposed with such pavements at a uniform cost throughout the City and levied and imposed against the real property benefited thereby, taking into account the allowances provided by by-law.

*amended 8162/2002***SEWERS****4.1 WASTEWATER SEWERS**

- (1) When a wastewater sewer has been constructed as a local improvement, local improvement taxes shall be imposed on all parcels of land fronting on the street or streets in which the wastewater sewer was constructed or which are otherwise served by the wastewater sewer, including parcels of land served by the wastewater sewer on their flankage only.

- (2) The local improvement taxes referred to in subsection (1) shall be calculated by multiplying the rate determined in accordance with subsections (3) and (4) against the total number of feet of frontage of each parcel of land which fronts on or is served by wastewater sewers concerning which notices were given under section 409 of The City of Winnipeg Charter in a calendar year, taking into account any allowances provided by by-law or variations imposed pursuant to section 13.
- (3) Subject to subsection (4), the rate for calculating the local improvement taxes imposed under subsection (1) shall be determined by dividing the actual costs of constructing all wastewater sewers concerning which notice was given under section 409 of The City of Winnipeg Charter in that calendar year by the total number of frontage feet of all parcels of land referred to in subsection (1) fronting on or served by those wastewater sewers, taking into account any allowances provided by by-law.
- (4) Notwithstanding subsection (3), the rate referred to in subsections (2) and (3) shall not exceed the rate set out in Column A of Table 1, set out below, for the year set out in Column B in which notice was given under section 409 of The City of Winnipeg Charter with respect to construction of the wastewater sewer as a local improvement.

TABLE 1

Column A Maximum rate (multiplied by frontage feet)	Column B Year in which project was authorized
\$110.00	2012
\$116.00	2013
\$122.00	2014

- (5) The City of Winnipeg is responsible for any costs in respect of the construction of a wastewater sewer that exceeds the local improvement taxes imposed under this section.
- (6) Where land is connected to an existing wastewater sewer, and where local improvement taxes have never been paid for that land in respect of a wastewater sewer, the owner of the land must pay to the City a sum equivalent to the local improvement taxes that would have been imposed on the land under this By-law if notice have been given in respect of the construction of the wastewater sewer as a local improvement in the year in which the land was connected with the wastewater sewer.

amended 40/2012

4.2 **LAND DRAINAGE SEWERS**

The special assessment to be levied in respect of the construction of land drainage sewers throughout the City shall be imposed as follows:

- (i) Each owner of land which is served by a lateral land drainage sewer shall pay to the City the sum of Forty Dollars for each foot of frontage or Thirty Cents for each square foot of the area of that land to the depth deemed by Council to be benefitted by the sewer, whichever is the greater. In addition thereto:
amended 2258/79; 50/2008
- (ii) Each owner of land which is served by a "trunk land drainage system" shall pay to the City the sum of Fifty-five Dollars for each foot of frontage or Forty-one and One-quarter Cents for each square foot of the area of that land to the depth deemed by Council to be benefitted by the system, notwithstanding however, where a special assessment levy by-law has been passed, the rate for the "trunk land drainage system" shall be on the basis of the rate approved therein.
amended 2258/79; 50/2008
- (iii) Any remaining expense shall be borne by the City.
amended 2258/79

4.3 **COMBINED SEWERS**

- (a) The special assessment to be levied in respect of the construction of combined sewers shall be uniform throughout the City and shall be imposed as follows:
 - (i) Each owner of land which is served by a combined sewer shall pay to the City the sum of Twenty-two Dollars for each foot of frontage of that land, or Sixteen and One-half for each square foot of the area of that land to the depth deemed by Council to be benefitted by the sewer, whichever is the greater. The referenced rate is to be applied only to the extension of existing combined sewers.
amended 867/75
 - (ii) Any remaining expense shall be borne by the City.

4.4 *repealed 364/73*

4.5 *repealed 364/73*

4.6 *repealed 364/73*

5 WATERMAINS

- (1) When a watermain has been constructed as a local improvement, local improvement taxes shall be imposed on all parcels of land fronting on the street or streets in which the watermain was constructed or which are otherwise served by the watermain, including parcels of land served by the watermain on their flankage only.
- (2) The local improvement taxes referred to in subsection (1) shall be calculated by multiplying the rate determined in accordance with subsections (3) and (4) against the total number of feet of frontage of each parcel of land which fronts on or is served by watermains concerning which notices were given under section 409 of The City of Winnipeg Charter in a calendar year, taking into account any allowances provided by by-law or variations imposed pursuant to section 13.
- (3) Subject to subsection (4), the rate for calculating the local improvement taxes imposed under subsection (1) shall be determined by dividing the actual costs of constructing all watermains concerning which notice was given under section 409 of The City of Winnipeg Charter in that calendar year by the total number of frontage feet of all parcels of land referred to in subsection (1) fronting on or served by those watermains, taking into account any allowances provided by by-law.
- (4) Notwithstanding subsection (3), the rate referred to in subsections (2) and (3) shall not exceed the rate set out in Column A of Table 1, set out below, for the year set out in Column B in which notice was given under section 409 of The City of Winnipeg Charter with respect to construction of the watermain as a local improvement.

TABLE 1

Column A Maximum rate (multiplied by frontage feet)	Column B Year in which project was authorized
\$110.00	2012
\$116.00	2013
\$122.00	2014

- (5) The City of Winnipeg is responsible for any costs in respect of the construction of a watermain that exceeds the local improvement taxes imposed under this section.
added 40/2012 (entire section 5)

- (6) *repealed 107/2015*

LIGHTING SERVICES

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.

amended 95/2015 (entire subsection)

- (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.

amended 95/2015 (entire subsection)

- (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.

amended 95/2015 (entire subsection)

- (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.

added 95/2015

- (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.
added 95/2015 (entire subsection)
- (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.
added 95/2015
- (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.
added 95/2015 (entire subsection)

ROADWAY PAVEMENTS AND TREATMENTS

6. STANDARD PAVEMENTS

- (1) (a) The special assessment in respect of the following classes of pavements, herein classified as standard pavements, namely:
 - (i) street pavements, being concrete pavements of not more than twenty-five feet in width from the outside of the curbs thereof having a thickness of six inches, and
 - (ii) lane pavements, being concrete pavements, without curbs, not more than twenty feet in width, having a thickness of six inches, that shall be levied against the real property benefited thereby, shall be the cost of such pavements at a uniform rate per square yard throughout the City as determined each year by the Council, subject to the allowances referred to in sections 9, 10 and 11.
- (b) Any concrete pavement constructed in any street or lane that is wider or thicker than the standard pavement shall for the purpose of assessing and levying the cost thereof, be deemed to be a standard pavement, and the cost of the additional width or thickness or of any other extra cost of the work in excess of what would have been the cost of a standard pavement, shall be borne by the City at large, other than those deemed to fall under the terms of subsection (3).

- (c) Subject to the provisions of subsection (3), the City may assume that part of the cost of constructing any pavement that is over and above the cost of a standard pavement.

GRANULAR SURFACE AND SURFACE TREATED ROADWAYS

- (2) The special assessment in respect of the following classes of roadways, namely,
amended 2612/80
- (i) granular surface roadways, being graded and gravelled roadways of at least twenty-four feet in width from shoulder to shoulder, with side ditches and culverts, including two applications of granular material to total the equivalent of six inches in thickness and twenty feet in width as follows:
amended 2612/80
- (ia) an initial loose application of granular material to be applied with the grading improvements in the first stage,
amended 2612/80
- (ib) a compacted application of granular material and a dust palliative, such as calcium chloride, to be applied in the second stage,
amended 2612/80
- (ic) oiled surface roadways, being existing graded and gravelled roadways subject to an additional one inch of compacted granular material, with two applications of MC-2 or equivalent asphalt road oil at the maximum rate of at least one-quarter gallon per square yard per application, and two applications of compacted sand at the maximum rate of one ton of sand per 150 square yards with each application of road oil, all to a width of at least twenty feet,
- (id) asphalt surface roadways, being existing oiled surface roadways subject to an application of two inches of asphalt in thickness to a width of at least twenty feet, and the application of granular material to the shoulders of the roadway, and
- (ie) an application of gravel or crushed stone on existing graded and gravelled roadways as may be authorized;
added 2612/80
- (ii) gravelled lanes, being lanes subject to two applications of granular material to total the equivalent of at least six inches in thickness to a width of at least twelve feet in two stages, the second lift to be compacted and subject to the application of a dust palliative such as calcium chloride,
amended 2612/80

that shall be levied against the real property benefitted thereby, shall be the cost of such roadways or lanes at a uniform rate per square yard throughout the City as

determined each year by the Council, subject to the allowances referred to in sections 9, 10 and 11.

- (2A) Provided, however, that granular surface roadways shall be maintained, for a period of three years from the date of completion of the construction of same as a local improvement, at the cost of the City at large, after which time the maintenance work shall consist of grading only.
added 2612/80
- (3) Any improvement that may be deemed to be desirable to the roadway on a street or lane, other than those standards defined in this section 6, may be authorized and the full costs of such improvements thereof may be levied against the real property benefitting thereby.
amended 364/73
- (4) Notwithstanding any other provision herein, the levy for granular surface roadways, and for the gravelling of existing granular roadways in respect to properties zoned agricultural shall be assessed at a maximum frontage of three hundred feet for any single property holding. If the frontage of any single property holding fronting a graded and gravelled roadway exceeds three hundred feet the excess shall be exempt from levy and the cost for the graded and gravelled roadway fronting on such portion of land shall be borne by the City at large.
added 2612/80

INTERSECTIONS

7. (1) Subject to this section, the cost of constructing roadway pavements or treatments, or constructing concrete sidewalks, in intersections of streets shall, in all cases, whether in residential areas or otherwise, be assumed by the City at large.
- (2) Where the intersection is that of a lane with a street, the City at large shall assume the cost of constructing all the additional pavement required for a turnout to satisfactorily connect the lane to the street, including all the pavement in the intersection itself.
- (3) Where a roadway pavement or treatment is constructed in an intersection which is bounded on one side by assessable property, as where a street or lane leads into but does not cross another street, the cost of the part of the improvement between the assessable property and the centre line of the street on which it fronts shall not be assumed by the City at large but shall be assessed against the said property.

ALLOWANCES IN THE CASE OF LANE OPENINGS TO BE ASSESSED

8. In the case of lane openings, allowances to be made in respect of corner lots, non-rectangular lots and other properties mentioned in 412(3) of the *Charter* shall be set forth in the by-law assessing

the cost of the improvement, and all such allowances shall be absorbed in the rate levied for such cost against all the real property benefited.

amended 8162/2002

ALLOWANCES IN RESPECT OF CERTAIN LOTS

9. **FLANKAGE**

- (1) Where the work consists of
 - (a) a roadway pavement or treatment,
 - (b) a concrete walk,
 - (c) a boulevard, or
amended 95/2015
 - (d) street lighting
amended 95/2015
 - (e) *repealed 95/2015*

adjacent to any property which the Council regards for the purposes of local improvement assessment as residential, there shall be no levy for such work on any corner lot having flankage abutting on the work which lot is not capable of being subdivided into at least two buildable lots and the levy for such work on any corner lot having flankage abutting on the work which lot is capable of being subdivided into at least two buildable lots shall, subject to Section 10, be assessed at the frontage rate in respect of flankage in excess of 120 feet.

amended 7022/97

- (2) Subject to subsection (1), in the case of the construction of a concrete walk or boulevard on a street deemed by Council to be a flankage street, the cost of the work shall be borne by the City.
- (3) The area containing the location of any work may be designated as "residential" for the purposes of this section by a resolution of Council.
- (4) For the purposes of this section, a property
 - (a) is capable of being subdivided into at least two buildable lots if, taking into consideration the dimensions of the property the City of Winnipeg would approve the subdivision of the property into at least two lots.
 - (b) that is a corner lot having flankage abutting on the work shall be deemed to be capable of being subdivided into at least two buildable lots unless the property owner provides written confirmation that the property cannot be subdivided.
added 7022/97

DOUBLE CORNER LOTS

10. In computing the flankage allowances referred to in section 9, if the flankage of a property abutting on a street wherein a work is done extends from one intersecting street to another, any portion of such flankage in excess of 240 feet shall be assessed as frontage.

DOUBLE FRONTAGE LOTS

11. In the case of lots which have frontages on two parallel streets, known as "double frontage" lots, where any of the local improvements mentioned in this section are made in the street opposite one frontage, and the same kind of improvement has already been made in the street opposite the other frontage, the following allowances shall be made in levying assessments for the last made improvement on any such lot less than one hundred and fifty feet in depth:

- (a) In the case of a watermain or additional watermain, a sewer or additional sewer, no part of the cost of the watermain or additional watermain, sewer or additional sewer last constructed shall be levied against such lot.
- (b) In the case of pavements exceeding fifteen feet in width, an allowance shall be made to reduce the cost thereof to that of a fifteen foot wide lane pavement and the cost of the allowance shall be assumed by the City at large.
- (c) *repealed 95/2015*
- (d) There shall be no charge for sidewalks or for boulevards or for granular surface roadways and surface treated roadways.
amended 2653/80

EXEMPT LANDS

12. (1) Where a local improvement is made and any land fronting thereon is exempt from special levies therefor, the City shall assume as part of its share of the cost of the work the levies for the work which it might have made against the exempt land if it had not been so exempt.
amended 6595/95; 8162/2002

- (2) If any land fronting on the work is exempt during the whole term of the special levies, the full amount assumed by the City pursuant to subsection (1) shall, except in the case of a levy for the construction of granular surface and surface treated roadways, be levied against the land whenever it again becomes a subject to taxation, at the same rate and during the same number of years as in the original term.
- (3) If any of the land fronting on the work is exempt during part only of the original term, levies shall be imposed against the land for the part of the term in which it is not exempt, and, except in the case of a levy for the construction of granular surface and surface treated roadways, additional levies shall be imposed for a further period sufficient to reimburse the City for levies assumed by it pursuant to subsection (1).

RULES SUBJECT TO VARIATION

13. Notwithstanding anything in this or any other by-law of the City, the Council may, in any individual case, by an ordinary majority vote, deviate from any rule contained herein with respect to allowances or the part of the cost of any work to be borne by the City at large; and the final decision of the Council in such respects shall in the case of any particular local improvement be deemed to be set forth in the by-law assessing the property owners' share of the cost thereof.

14. (1) Notwithstanding anything in this By-law the City, in entering into a development agreement pursuant to the provisions of subsection 240(1) of the *Charter*, may in such agreement provide that the developer shall assume the whole or part of the City's share of any local improvement costs otherwise payable by the City.

amended 6595/95; 8162/2002

- (2) This By-law shall not apply to any development agreement in existence as of the date of the passing of this By-law.

ALLOWANCES APPLY TO WHOLE LOT

15. The allowances provided for in this By-law shall not apply to any particular part of the frontage or flankage but shall be regarded as a deduction from the levy on the whole lot; and nothing in this By-law shall affect a local improvement assessment already made.

16. This By-law shall apply only to all new local improvements to which this By-law applies and which have been advertised and approved by the City of Winnipeg from January 1, 1972 but the provisions of clause (b) of subsection (1) and clause (b) of subsection (3) of section 4, respectively, shall apply in respect of the works mentioned in those clauses, notwithstanding the date of construction or the method employed in financing the cost in any case.

amended 1392/76

17. The designated committee of council for appeals of local improvement taxes as may be permitted by the Charter shall be The Board of Appeal (Local Improvement Assessment Appeals) and the committee shall follow procedures in accordance with the Charter.

added 8/16/2002

18. When an address for sending a notice by ordinary mail to the registered owner of real property is required, the address maintained by the tax collector for the purpose of issuing the tax notice for that property shall be used.

added 3/2/2003

DONE AND PASSED in Council assembled, this 26th day of April, 1972.