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CONSOLIDATION UPDATE: SEPTEMBER 26, 2024

THE CITY OF WINNIPEG

THE WINNIPEG BUILDING BY-LAW
NO. 4555/87

SECTION 1

TITLE

1.1 This By-law may be cited as "**The Winnipeg Building By-law**".

SECTION 2

SCOPE

2.1 This By-law applies to new and existing construction, including the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or structure or addition to a building or structure.

amended 8162/2002

2.2 The building construction codes or building construction standards adopted in whole or in part adopted by the Lieutenant Governor in Council by regulation pursuant to section 3 of *The Buildings and Mobile Homes Act* are hereby adopted by the City of Winnipeg pursuant to section 4 of *The Buildings and Mobile Homes Act* and the said codes and standards are incorporated into and form part of this By-law.

amended 8162/2002

2.3 This By-law establishes administrative requirements and procedures for the enforcement of the Code.

SECTION 3

DEFINITIONS OF WORDS AND PHRASES

3.1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in the Code.

3.2 Words and phrases defined in *The City of Winnipeg Charter* have the same meaning in this By-law.

amended 8162/2002

3.3 The words and terms used in this By-law have the following meanings:

"Antenna Structure" means a structure designed to support any device used for receiving radio waves and shall include the structures supporting satellite dish antennae.

"Accepted" means accepted by the designated employee.

amended 108/2017

"Approved" when used with reference to materials or fixtures used in a plumbing system means

(a) that such materials or fixtures have been submitted for examination and testing to the Canadian Standards Association; that formal certification has been given to the effect that they conform to the CSA standards; that the materials or fixtures have the required markings, and also are acceptable to the designated employee; or

amended 108/2017

(b) that the materials or fixtures are acceptable to the designated employee and such acceptance shall be considered only when warranted in the opinion of the designated employee and shall apply mainly to materials and fixtures of other than a regular line of manufacture, materials or fixtures built to a customer's order, or materials or fixtures manufactured or produced singly or in small quantities.

amended 108/2017

"Areaway" means an underground structure used for the convenience of the adjacent building it serves built separately or attached to said building and built entirely below ground, and may have all or a portion of its structure exposed at ground level. Areaways shall include: light openings, light wells, vaults, storage spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices.

"Aspect", with respect to design and construction of buildings, includes the architectural, structural, and mechanical aspects of design and construction.

added 54/2012

amended 8162/2002; repealed 108/2017

"Awning" means any roof-like structure other than a marquee, attached to a building and projecting more than 300 mm from the face of the building, used to provide shade, and shall include a sun visor and louvres.

"Building Occupancy Permit" means permission or authorization issued in writing pursuant to this By-law to occupy any building or part thereof in the City.

added 6255/93

"Canopy" means any roof-like structure projecting more than 300 mm from the face of a building having a rigid frame, and attached to said building in such a manner as not to become an integral part thereof.

"City", unless the context requires otherwise, means the City of Winnipeg.

added 54/2012

"Code" means the applicable provisions of the Manitoba Building Code, the Manitoba Fire Code and the Manitoba Plumbing Code.

amended 54/2012

"Codes" means the Manitoba Building Code, the Manitoba Fire Code and the Manitoba Plumbing Code.

added 54/2012

"Cooking equipment ventilation system" includes one or more of the following: a ventilating system, an exhaust system, a make-up air system, a hood, ductwork and fire suppression system.

added 80/2008

"Construction", unless the context requires otherwise, includes the erection, placement, alteration, repair, renovation, extension, demolition, relocation, or removal of any building.

added 54/2012

"Design professional" means a professional engineer or architect who is qualified to sign and seal plans, drawings and other documents submitted as part of an application for a permit under subsection 5.1.

added 54/2012

"Designated Committee" means the Standing Policy Committee on Property and Development.

added 108/2017; amended 137/2022

"Designated Employee" means the Director or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.

amended 8162/2002; 108/2017

"Director" means the Director of the Planning, Property and Development department of the City of Winnipeg or, if another Department is responsible for the administration and enforcement of this By-law, the head of that Department, and includes an employee acting as the Director on a temporary basis or any specific employee who has been delegated all or some of the powers of the Director under this By-law.

added 108/2017

"Electrical Code" means the edition of the Canadian Electrical Code adopted by the Winnipeg Electrical By-law.

added 54/2012

"Fire protection system" includes one or more of the following: a wet sprinkler system, a dry sprinkler system, a pre-action system, a chemical suppression system, an inert suppression system, a wet or dry standpipe system.

added 80/2008

"HVAC system" includes one or more of the following: a heating system, ventilating system, exhaust system, fire dampers and smoke dampers.

added 80/2008

"Manitoba Building Code" means the current edition of the building code adopted by regulation pursuant to The Buildings and Mobile Homes Act.

added 54/2012

"Manitoba Fire Code" means the current edition of the fire code adopted by regulation pursuant to The Fires Prevention and Emergency Response Act.

added 54/2012

"Manitoba Plumbing Code" means the current edition of the plumbing code adopted by regulation pursuant to The Buildings and Mobile Homes Act.

added 54/2012

"Marquee" means any roof-like structure constructed and erected as a permanent part of the building over an entrance thereto, and projecting more than 300 mm from the exterior wall of the building.

"Mechanical hazardous process system" includes one or more of the following: a bio-hazard laboratory fume hood and associated exhaust system, a dust collection system, a welding exhaust system, a flammable or combustible storage system, an explosion relief system, a painting, coating and spray operation.

added 80/2008

"Mechanical system" includes an HVAC system, a mechanical hazardous process system, a cooking equipment ventilation system and a fire protection system.

added 80/2008

"Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

added 6255/93

"Owner" means a person or agent of a person who owns, manages or is in possession of land or a building, or who is in receipt of the whole or part of any rents or profits therefrom, whether the rents and profits are received on the person's own account, or as agent or trustee for another person.

added 54/2012

"Person" has the same meaning as it has in *The City of Winnipeg Charter*.
amended 8162/2002

"Pool" means any artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, that is capable of containing a water depth greater than 60 cm, whether in-ground or above-ground, including a spa, swim spa and a hot tub;
added 110/2024

"Prime Mechanical Contractor" means an individual, partnership, firm, corporation or government department contracted to undertake mechanical work that may or may not hold a valid Mechanical Contractor's Licence "M1" or Mechanical Contractor's Licence "M2" issued in accordance with this By-law.
added 119/2017

"Private Pool" means pool that is not a public pool;
added 110/2024

"Public Pool" means any pool in respect of which The Public Health Act, CCSM c. P210, or any regulations under that Act, applies;
added 110/2024

"Relocation" means the moving of a building or structure from one location to another location, either on the same property or to another property.

"Renovation" means the reconstruction of all or part of the interior or exterior, or both, of an existing building where there is no structural reconstruction, alteration or enlargement of the building.

"Repair" means work done to an existing building for the purpose of maintenance and not amounting to a renovation.

"Seasonal Pool" means a private pool that is designed and intended to be erected and used seasonally or temporarily only, and that is easily disassembled or moved without the use of specialized equipment or heavy machinery.
added 110/2024

"Sign" means any writing (including letter, word or numeral) pictorial representation (including illustration or decoration), emblem (including device, symbol, logo or trade mark), flag (including banner or pennant), or any other figure of similar character, which

- (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure; and
- (b) is used to announce, identify, direct attention to, or advertise

"Sign, facia" means a sign, or individual letters attached to, marked or inscribed on, or erected or placed against, a wall or other surface, whether forming part of a building or not, and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or other surface and visible from the outside of the building, and projecting not more than 300 mm from the face of such wall or other surface.

"Sign, free-standing" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level, and being structurally independent of any other structure.

"Sign, free swinging" means a sign which, when erected or hung on or attached to any building is capable of swinging, oscillating or rocking, but not as a result of mechanical devices incorporated in the sign for such purpose.

"Sign, illuminated" means a sign designed to give forth any artificial light or reflect light from an artificial source.

"Sign, mobile" means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters or panels.

"Signs, projecting" means a sign other than a facia or canopy sign which is attached to a building and extends beyond the line of the said building or beyond the surface of that portion of the building to which it is attached.

"Sign, roof" means a sign erected, constructed and maintained wholly upon or over the roof of a building with the principal support on the roof structure.

"Sign, temporary" means a sign with or without a structural frame and intended to be displayed for a short period of time.

"Structure" means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground and including but not limited to the following: buildings, walls, fences, signs, billboards, poster panels, light standards, swimming pools.

"Sun visor" means a projection from a building for the purpose of providing shade to an aperture in the form of louvres, egg crating or other similar methods, but in no case designed so as to prevent air, rain, snow or other atmospheric elements from passing through such projection.

"Underpinning" means the construction process of increasing the load carrying capacity of an existing foundation, or of providing new permanent support for an existing structure that has suffered damage and distortion through some inadequacy in its support.

added 6255/93

SECTION 4

PROHIBITIONS

4.1 *repealed 8162/2002*

4.2 Where a permit is required by this By-law, no person shall engage in any construction or other activity that requires a permit, or authorize or allow construction or another activity that requires a permit to begin or to proceed, unless a valid permit exists for the construction or the other activity

amended 54/2012

4.3 No person shall

- (a) engage in any construction or other activity in a manner that deviates from the accepted plans and specifications forming a part of the permit for that construction or other activity, or
- (b) omit or fail to complete, prior to occupancy, construction required by the accepted plans and specifications forming a part of the permit,

without first having obtained the acceptance of the designated employee to do so, except for minor changes which conform to the applicable Codes.

amended 8162/2002, 54/2012

4.4 Where a Building Occupancy Permit is required by section 15 herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless the Building Occupancy Permit has been issued by the City.

amended 6255/93

4.5 No person having responsibility for the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a structure shall cause, allow or maintain any unsafe condition.

4.6 No person shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon, without acceptance having first been obtained in writing from the appropriate government authority.

4.7 No person shall allow the property boundaries or accepted grades of a building lot to be so changed as to place a building or part thereof in contravention of the Code.

4.8 Any person who knowingly submits false or misleading information contravenes this By-law.

SECTION 5**DUTIES AND RESPONSIBILITIES OF THE OWNER***amended 54/2012*

5.1 Where the Manitoba Building Code, or the designated employee under subsection 9.13 of this By-law, requires that plans, drawings and related documents submitted as part of an application for a permit must be signed and sealed by an architect or a professional engineer or both, it is the responsibility of the owner to

- (a) ensure that the plans, drawings and related documents, including certificates required to be submitted as part of an application required by subsection 6.3, are signed and sealed by one or more architects or professional engineers who are
 - (i) entitled to practice as architects or professional engineers, as the case may be, in the Province of Manitoba,
 - (ii) skilled in the application of the Codes to the aspect of the design and construction of the building represented in the plans, drawings and related documents signed and sealed by the architect or professional engineer, and
- (b) subject to subsection 5.3,
 - (i) ensure that each aspect of the construction of the building is reviewed periodically during the course of construction by the same design professional who signed and sealed the plans, drawings and other documents submitted as part of the application for the permit with respect to that aspect of the building, and
 - (ii) submit, as part of an application for a building occupancy permit, a certificate concerning the compliance of the construction with the Codes which is in a form acceptable to the designated employee and has been signed and sealed by the design professional who reviewed the construction.

*amended 54/2012***5.2**

5.3 Subject to the Manitoba Building Code, where the review of an aspect of the construction of a building is not carried out by the same design professional or professionals who signed and sealed the plans, drawings and other documents submitted as part of the application for the permit with respect to that aspect, the owner must notify the designated employee of this fact in writing as soon as possible and must provide the designated employee in writing the name and address of the design professional who will be conducting the review of that aspect of construction as soon as that person is known. If, during the construction of a building, a new design professional is appointed to review the construction of the building, the owner must immediately notify the designated employee of this fact in writing.

amended 8162/2002, 54/2012

5.4.1 An owner of property must, prior to commencing work on the property for which a permit, acceptance or approval is required pursuant to this By-law, obtain all necessary permits, acceptances and approvals.

amended 54/2012; 108/2017

5.4.2 If an owner has failed to obtain a required permit, acceptance or approval prior to commencing work in compliance with sentence 5.4.1, the owner at the time the work was commenced or carried out – and every subsequent owner – is nonetheless required to obtain all permits, acceptances and approvals and to pay all applicable fees despite the fact that the work has already commenced or has been completed. For greater clarity, if work for which a permit, acceptance or approval is required has been commenced or carried out without the required permit, acceptance or approval, the current owner is responsible for obtaining the required permit, acceptance or approval and must pay any fees or penalties associated with the permit, acceptance or approval, including fees for its issuance after the work has been commenced or carried out.

amended 54/2012; 108/2017

5.5.1 In addition to complying with subsection 5.3, every owner shall give notice in writing to the designated employee, prior to commencing work, listing

amended 8162/2002, 54/2012

- (a) the name, address and telephone number of
 - (i) the constructor or other person in charge of the work,
 - (ii) *removed 54/2012*
 - (iii) any inspection or testing agency engaged to monitor the work; and
- (b) any change in or termination of employment of such persons during the course of the construction immediately that such change or termination occurs.

5.5.2 Every owner shall give notice to the designated employee of the dates on which he intends to begin work prior to commencing work on the building site.

amended 8162/2002, 54/2012

5.5.3 The owner of property in respect of which a permit has been issued must ensure that a designated employee is notified:

amended 8162/2002; 108/2017

- (i) prior to the expiry of the permit as provided in clause 14.1.3(1)(a), unless an extension is granted, that work authorized by the permit has been initiated;
- (ii) that work has been completed to the point where an inspection required by this By-law can take place;

- (iii) within one month following an inspection during which a defect in the construction of a single family house or duplex was identified, that the defect has been corrected and is ready for re-inspection;
- (iv) within seven days following an inspection during which a defect in the construction of any structure other than a single family house or duplex was identified, that the defect has been corrected and is ready for re-inspection;
- (v) prior to the expiry of the permit as provided in clause 14.1.3(b) (that is, unless an extension is granted, within three years after the permit has been issued or such longer period as is approved by a designated employee), that work has been completed and is ready for inspection;
- (vi) in writing of any change in the ownership or of the address of the owner prior to the issuance of a building occupancy permit; and
- (vii) of any other information as required by this By-law or the Code.

5.5.4 The owner of property with respect to which a permit has been issued must ensure that:
amended 6255/93; 8162/2002, 54/2012; 108/2017

- (a) work that is required to be inspected is not covered until the required inspection has taken place; and
- (b) where an inspection has revealed a defect that must be remedied prior to continued work, that the defect is not covered until the required re-inspection has taken place.

5.5.5 *amended 8162/2002, 54/2012; repealed 108/2017*

5.6 No owner shall deviate from the requirements or the conditions of the permit, including the accepted plans, drawings and other documents, without first obtaining from the designated employee permission to do so, except for minor changes which conform to the Code. Where, in the reasonable opinion of the designated employee, deviations from the conditions of the permit are substantial and require an additional review of the plans, drawings or other documents, he or she shall treat the proposed deviations as a new application and the process associated with a new application, including the payment of fees, must then be followed.

amended 8162/2002, 54/2012

5.7.1 Every owner shall ensure that the drawings and specifications on which the issue of the building permit was based are available continuously at the site of the work for inspection during working hours by the designated employee, and that the permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the work; and

amended 8162/2002, 54/2012

5.7.2 Every owner shall keep visible at all times during construction the street number of the premises in figures at least 75 mm high and visible from the street or sidewalk.

amended 54/2012

5.8.1 The granting of a permit, the review and acceptance of the drawings and specifications, or inspections made by the designated employee, shall not in any way relieve the owner of a structure from full responsibility for carrying out the work or having the work carried out and for maintaining the building or structure in accordance with the requirements of the applicable Codes and this Bylaw, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the Building Occupancy Permit.

amended 6255/93; 8162/2002, 54/2012

5.8.2 Without restricting the generality of Sentence 5.8.1, the owner of a building must ensure that every part of the building is in compliance with the Codes that were in effect at the time that that part of the building was constructed, altered or renovated. This requirement applies whether or not the owner owned the building at the time that the building or part of the building was constructed, altered or renovated.

added 54/2012

5.9

repealed 8162/2002

5.10 No person shall interfere in any way with the designated employee or anyone acting under his authority or by his instructions, in the performance of any duties imposed upon him by this By-law.

amended 8162/2002

5.11 Every owner shall make or have made, at his own expense, tests or inspections as necessary to prove compliance with the Code, and shall promptly file a copy of all such test or inspection reports with the designated employee.

amended 8162/2002, 54/2012

5.12 To the extent that is possible, all tests required by the designated employee shall be carried out by the owner in accordance with recognized standard test methods. In the absence of such standard test methods, the designated employee may specify the test procedure to be followed.

amended 8162/2002, 54/2012; 108/2017

5.13 Where tests of any materials are made to ensure conformity with the requirements of the Code, records of the test data shall be kept available by the owner or his agent for inspection during the construction of the building and for such period thereafter as required by the designated employee.

amended 8162/2002, 54/2012

5.14 Every owner shall provide an up-to-date survey of the building site when and as required by the designated employee.

amended 54/2012

5.15 When required by the designated employee, every owner shall uncover and replace at his own expense any work that has been covered contrary to an order issued by the designated employee.

amended 54/2012; 108/2017

5.16 Every owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a permit was required by this By-law.

amended 54/2012

5.17 Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

amended 54/2012

5.18 When a structure or part thereof is in an unsafe condition, the owner shall immediately take all necessary action to put the structure in a safe condition. All structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the Code in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of such building or structure.

amended 54/2012

5.19 Where a stop work order has been issued by the designated employee, in accordance with subsection 9.2 herein, the owner, or his designated agent, shall stop work immediately, except for the installation or erection of covers or guards so as to be able to maintain the site in a safe condition.

amended 54/2012

5.20 Where work is suspended or terminated, the owner, or his designated agent, shall leave the site in a safe manner and shall maintain the site in a safe condition.

amended 54/2012

5.21 When required by the designated employee, every owner shall submit, on completion of the construction, a revised set of drawings, depicting the building as constructed.

amended 54/2012

5.22 When completed construction is in non-compliance with this By-law or another By-law one of the applicable Codes, the owner must, at his or her expense, bring the building into compliance within a reasonable period of time.

added 54/2012

5.23 If the designated employee has issued a separate permit for the foundation or another aspect or stage of a construction project under subsection 9.5, the owner must ensure that, prior to the expiration of that permit, either

added 108/2017

- (a) the necessary permits for subsequent stages, or for the completion of the project in its entirety, are obtained; or
- (b) the portion of the construction project that has been constructed to that point is demolished and the site on which it is located is returned to the condition it was in prior to construction.

SECTION 6**DUTIES AND RESPONSIBILITIES OF THE DESIGN PROFESSIONAL***amended 54/2012*

6.1 This section applies whenever the Manitoba Building Code or the designated employee, acting pursuant to subsection 9.13 of this By-law, requires that plans, drawings and related documents submitted with an application to construct a building must be signed and sealed by a design professional.

amended 54/2012

6.2 An architect or an professional engineer must not sign and seal any plans, drawings or other documents that are to be submitted as part of an application for a permit, and must not sign and seal a certificate required by the designated employee under subsection 9.15.1 of this By-law concerning the compliance of construction with Codes and by-laws, unless he or she

- (a) is a member in good standing of the Manitoba Association of Architects or the Association of Professional Engineers and Geoscientists of Manitoba, as the case may be; and
- (b) is skilled in the application of the applicable Code or Codes to those aspects of the construction that are represented in the plans, drawing or other documents or that are referred to in the certificate being submitted.

amended 54/2012

6.21

6.22

6.3 Notwithstanding sentence 9.14.2, but subject to subsection 6.4, the design professional who signs and seals plans and drawings that the owner submits as part of an application for a permit must sign and seal a certificate which contains the following statement with respect to the application:

I hereby certify that I have complied with all applicable legislation and professional codes in affixing my seal to the plans, drawings and related documents which are being submitted as part of an application for a permit under the Winnipeg Building By-law.

By affixing my seal, I am representing that:

- ***I am fully aware of the provisions of the Manitoba Building Code, the Manitoba Energy Code, the Manitoba Plumbing Code and the Manitoba Fire Code that are applicable to these plans and drawings;***
- ***I have applied a professional standard of care to ensure compliance of these plans and drawings with the applicable provisions of these Codes.***

amended 54/2012; 108/2017

6.4 The obligation set out in subsection 6.3 does not apply to an application for a permit submitted before April 30, 2012.

amended 54/2012

6.5 A design professional who withdraws from a construction project, must immediately advise the designated employee in writing.

amended 54/2012

SECTION 7

DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

7.1 Every constructor, including building, mechanical and plumbing contractors, shall ensure that all work is carried out in accordance with this By-law, the Code and all provisions as described on the permit and accepted drawings and specifications.

amended 80/2008

7.2 Every constructor shall ensure that all construction safety requirements of the Code are complied with.

7.3 Every constructor shall give notice to the designated employee

- (a) of intent to do work that has been ordered to be inspected during construction;
- (b) of intent to cover work that has been ordered to be inspected prior to covering; and
- (c) when work has been completed so that a final inspection can be made.

7.4 Every constructor is responsible jointly and severally with the owner for any work actually undertaken.

amended 54/2012

7.5 When required by the designated employee, the constructor shall provide a statutory declaration that his work was completed in accordance with the accepted plans and specifications, and the requirements of the Codes and this By-law.

amended 54/2012

SECTION 8

DUTIES AND RESPONSIBILITIES OF THE CITY

amended 108/2017

8.1 The designated employee and his or her delegates may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a “designated employee” under *The City of Winnipeg Charter*.¹

amended 8162/2002

8.2 The designated employee shall keep copies of all applications received, permits and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the Code and this By-law for such time as other regulations require.

8.3 The designated employee shall accept any construction or condition that lawfully existed prior to the effective date of the Code unless the construction or condition constitutes an unsafe condition or contravenes some other by-law or regulation.

8.4 In addition to orders to remedy a contravention of this By-law, the designated employee may issue notices advising that a contravention of this By-law has taken place and requiring that it be rectified.

amended 8162/2002

8.5 The designated employee shall answer such relevant questions as may be reasonable with respect to the provisions of the Code or this By-law when requested to do so, but except for standard design aids shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

8.6 The designated employee shall issue a permit to the owner, constructor or agent, when to the best of his knowledge, the applicable conditions as set forth in the Code and other relevant by-laws of the City have been met.

amended 54/2012

8.7 In the issuance of a stop work order, the designated employee shall issue such order in writing, to the owner of the property involved, to the owner’s agent, to the contractor, or the person in charge, stating the reason for the order and the conditions under which the work may be resumed.

amended 54/2012

8.8 Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.²

amended 8162/2002

8.9 Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;
- (b) if the person to be served is the occupant of real property, the street address for that property and
- (c) if the document to be served relates to a permit, licence or other document for which the person to be served has applied, the address provided by the person in the application.

added 8162/2002

SECTION 9

POWERS OF THE DESIGNATED EMPLOYEE

9.1 *repealed 8162/2002*

9.2

9.2.1 The designated employee is empowered to order

- (a) a person who contravenes the Code or this By-law, to comply with the Code or this By-law within a specified time;
- (b) work to stop on the structure or any part thereof,
 - (i) if such work is proceeding in contravention of the Code or of this By-law, or any other condition under which the permit was issued, or
 - (ii) if there is deemed to be an unsafe condition;
- (c) the removal of any unauthorized encroachment on public property;
- (d) the removal of any building or part thereof constructed in contravention of the Code or this By-law;
- (e) the cessation of an occupancy in contravention of the Code or this By-law;
- (f) the cessation of an occupancy if any unsafe condition exists;
- (g) correction of any unsafe condition.

- (h) that work not be covered until it has been inspected; and
- (i) that certain work be inspected during construction.

9.2.2 The designated employee may authorize the complete or partial demolition or removal, at the expense of the owner thereof, of a structure which, in his opinion, has been constructed in contravention of the Code or any by-law and to provide that the cost of such demolition or removal as certified by the designated employee may be added to the taxes on the land occupied by such structure and collected as other taxes.

amended 54/2012

9.2.3 The designated employee may by written notice, require the owner of a structure or other person acting for the owner in respect thereof, to comply within a specified period of time to have the structure made to conform with the Code in such respects as are specified in the notice. Omission to give such notice, however, shall not prevent any owner or other person from being prosecuted for breach of the Code.

amended 54/2012; 108/2017

9.3 The designated employee may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets the requirements of the Code. (See section 13) The evidence or proof the designated employee is authorized to require includes certificates or representations from architects, engineers, surveyors or other individuals with expertise in the aspect of design or construction being certified or represented.

amended 54/2012

9.4 The designated employee may require any owner to submit an up-to-date plan of survey prepared by a Manitoba Land Surveyor which shall contain sufficient information regarding the building lot and the location of any structure

amended 54/2012

- (a) to establish before construction begins that all requirements of the Code in relation to this information will be complied with; and
- (b) to verify upon completion of the work that all such requirements have been complied with.

9.5.1 The designated employee may issue a permit for the entire construction project or, when requested, may issue separate permits for aspects or stages of the construction project.

9.5.2 Separate permits for aspects or stages of the construction project may be issued only after the designated employee has approved the plans and drawings for those stages.

9.5.3 The fact that the designated employee issues a permit for a particular aspect or stage of the construction project does not mean that approval has been or will be given of plans for other aspects or stages of the project and an owner who proceeds with construction to the extent authorized by the permit must assume the risk that plans for other aspects or stages of the project may not be accepted by the designated employee.

amended 8162/2002

9.6.1. The designated employee may issue a permit on the condition that, before specific aspects or stages of construction authorized in the permit are initiated, the owner must provide and the designated employee must approve information, plans or details of plans that are not available at the time the permit is issued.

9.6.2 The designated employee may issue a conditional permit under clause 9.6.1 only where the information or plans that must be provided and approved are not relevant to aspects or stages of construction which are permitted to proceed in the interim.

9.6.3 The fact that the designated employee issues a conditional permit under clause 9.6.1 does not mean that approval of plans or details of plans submitted as a condition of the permit has been or will be given and an owner who proceeds with construction to the extent authorized by the permit must assume the risk that plans for other aspects or stages of the project may not be approved. Similarly, where information provided pursuant to a conditional permit leads the designated employee to conclude that the plans or the permit must be altered in order to comply with the Building Code, such alterations shall be made at the owner's expense.

amended 8162/2002

9.7.1 The designated employee may refuse to issue a permit

amended 79/2019

- (a) whenever information submitted is inadequate to determine compliance with the provisions of the Code;
- (b) whenever incorrect information is submitted;
- (c) that would authorize any building work or occupancy that would not be permitted by the Code;
- (d) in respect of any appliance, device, machine or apparatus or in respect of any construction if the installation or construction will not comply with the regulations of the City, of the Government of Manitoba or of the Government of Canada;
- (e) for the repair or alteration of a building if, in his opinion, the building is so dilapidated or damaged that the building or its remaining components do not meet an acceptable standard, or if, in his opinion, the building will vary in appearance from the usual types of building in the vicinity to such extent as to have an adverse effect of property values in the area;

- (f) where, in his opinion, the results of the tests referred to in section 13 herein, are not satisfactory;
- (g) to any person who has failed to pay any fees due and owing to the City under this or any other by-law;
amended 79/2019
- (h) where, in his opinion, a condition exists which could adversely affect the health and/or safety of the occupants of the proposed building or structure;
or
amended 79/2019
- (i) where the designated employee determines that the proposed building or structure will create an unsafe condition in respect of an existing building or structure.
added 79/2019

9.7.2 The designated employee may require that an owner who has applied for a building permit perform such inspections or tests as the designated employee determines to be necessary to make a determination under clause 9.7.1(i).

added 79/2019

9.7.3 Where the designated employee determines that the proposed building or structure will create an unsafe condition in respect of an existing building or structure under clause 9.7.1(i), the designated employee must not issue a permit until he or she is satisfied that the owner of a property in respect of which the application for the building permit has been submitted, or his or her designate, has done all things reasonably necessary to ensure that the proposed building or structure will not create an unsafe condition in respect of the existing building or structure.

added 79/2019

9.7.4 An owner may satisfy the obligation imposed by subsection 9.7.3 by providing to the designated employee a signed and sealed certification by a professional engineer licensed who meets the requirements under subsection 6.2.

added 79/2019

9.7.5 Despite clause 9.7.1(i) and subsection 9.7.3, the designated employee may issue a permit where he or she determines that

added 79/2019

- (a) the owner of a property in respect of which a building permit application has been submitted, or his or her designate, has made all reasonable attempts but has been unable to
 - (i) determine whether the proposed building or structure will create an unsafe condition in respect of an existing building or structure; or
 - (ii) remediate or reinforce the existing building or structure as necessary to ensure that the proposed building or structure will not create an unsafe condition in respect of the existing building or structure; or

- (b) the owner of the existing building or structure has refused all reasonable attempts to
 - (i) determine whether the proposed building or structure will create an unsafe condition in respect of the existing building or structure; or
 - (ii) remediate or reinforce the existing building or structure as necessary to ensure that the proposed building or structure will not create an unsafe condition in respect of the existing building or structure.

9.8 The designated employee may revoke a permit if

- (a) there is a contravention of any condition under which the permit was issued;
- (b) the permit was issued in error;
- (c) the permit was issued on the basis of incorrect information;
- (d) the person doing the work demonstrates that he is not competent to do the work; or
- (e) in his opinion, the work being carried out is not proceeding at a satisfactory rate.

9.9 *repealed 54/2012*

9.10 The designated employee, in special cases that in his opinion warrant it, may modify or vary any specified regulation where such modification or variation in his opinion will substantially accomplish the object of the regulation.

amended 6255/93

9.11 Upon the completion of the construction of a building or structure, the designated employee may require an owner to submit an up-to-date set of drawings depicting the building or structure as constructed.

amended 6255/93, 54/2012

9.12 The designated employee may require that drawings and specifications submitted in connection with an application for a permit be in a form which will facilitate examination to determine compliance with the Code and this By-law and may require that all values be stated in metric units.

amended 6255/93

9.13 Where, in the opinion of the designated employee, the complexity or risks associated with the design of construction or the construction of a building requires special technical knowledge, the designated employee may require that the owner

- (a) submit plans, drawings and other documents signed and sealed by an architect or professional engineer, or both, as part of an application for a permit; and

- (b) ensure that the construction of the building is reviewed by an architect or professional engineer, or both, and submit as part of an application for an interim or final building occupancy permit required under section 15, a certificate signed and sealed by the architect or engineer, or both, who inspected the construction concerning the compliance of the construction with the Codes or specific aspects of the Codes.

amended 6255/93, 54/2012

9.14.1 The designated employee is authorized to determine the type and form of plans, drawings and other documents that are required under subsection 5.1 to be submitted as part of an application for a permit with respect to construction or occupancy.

added 54/2012

9.14.2 Without restricting the generality of sentence 9.14.1, but subject to Subsection 6.3, the designated employee is authorized to establish the text of a certificate signed and sealed by a design professional that the owner must submit as part of an application for a permit for construction or occupancy.

added 54/2012

9.15.1 For the purposes of complying with the City's obligation to inspect and approve plans relating to construction prior to a permit being issued, and for the purposes of complying with the City's obligation to enforce the building construction codes or building construction standards adopted pursuant to The Buildings and Mobile Homes Act, the designated employee may rely on a certificate of or representation by a professional engineer or an architect, or both, as to the compliance of plans and drawings or other documents, or of construction, with the Codes and with applicable by-laws.

added 54/2012

9.15.2 In relying on a certificate or representation of a professional engineer or architect pursuant to sentence 9.15.1, the designated employee may establish circumstances in which no examination or review whatsoever of certain aspects or parts, or of the entirety, of the plans or drawings or other documents signed and sealed by a design professional, or of construction reviewed by a design professional, will be conducted by the City of Winnipeg before a permit or an interim or final building occupancy permit is issued.

added 54/2012

9.15.3 As part of the authority granted by sentence 9.15.1, the designated employee is authorized to determine:

- (a) subject to subsection 6.3, the form and content of the certificate or representation to be provided, including a signed and sealed statement using specific text approved by the designated employee;
- (b) the amount of professional liability insurance, if any, that must be carried by an architect or professional engineer who provides certifications or representations;

- (c) the criteria, if any, for determining when the City of Winnipeg will not rely solely or at all on the required certificates or representations submitted by specific individual design professionals; and
- (d) the form of an audit program or other programs, if any, to encourage compliance of submitted plans and specifications with the applicable codes and by-laws.
added 54/2012

9.16.1 Subject to sentence 9.16.2, the designated employee may institute a program in which permits authorizing the construction or occupancy of buildings to which subsection 5.1 does not apply are issued by the City with minimal examination or review by the City of plans, drawings or specifications for compliance with this By-law and with minimal or no inspection of construction.
added 54/2012

9.16.2 The program referred to in sentence 9.16.1 must include an audit function which subjects the minimally unexamined plans or specifications as well as the construction of the building to random, systematic or targeted review.
added 54/2012

9.16.3 As part of the authority granted by this section, the designated employee is authorized to establish the circumstances in which the program authorized in sentence 9.16.1 will apply, and to determine the form of the audit function established as part of the program.
added 54/2012

9.17 Notwithstanding subsections 9.15 or 9.16, where a designated employee determines, through an audit or otherwise, that plans or specifications submitted under subsections 9.15 or 9.16, or actual construction based upon permits issued under those provisions, fail to comply with this By-law or the Codes, the designated employee may order the designer or the owner, or both, to rectify the point of non-compliance within a reasonable time. A designer or owner who fails to comply with an order issued under this provision commits an offence.
added 54/2012

SECTION 10

APPEAL

10.1 Subject to payment of any appeal fee established by Council, an appeal from an order to remedy a contravention of this By-law or a decision made by the designated employee may be made to the Designated Committee in accordance with *The City of Winnipeg Charter*.⁴
amended 8162/2002, 54/2012; 106/2015; 108/2017

10.2 Where the subject matter of an appeal has to do with building design and construction and is of a technical nature, the Designated Committee may adjourn the appeal and refer the matter to the Winnipeg Building Commission for recommendation.
added 108/2017

SECTION 11

repealed 108/2017

SECTION 12

UNSAFE CONDITIONS

12.1 Premises are in an unsafe condition when they pose a risk of harm to people, animals or neighbouring properties and, without restricting the generality of the foregoing, a property is in an unsafe condition when

- (a) all or parts of the buildings or structures located on the premises constitute a fire hazard or are likely to fall or cause an explosion;
- (b) the floors, stairs, walls and other structural aspects of buildings or structures located on the premises are insecure or pose a danger to people or animals who enter the buildings or structures;
- (c) a vacant building or structure is unguarded or open so that entry can be easily gained to it; or
- (d) wells, excavations, openings or holes located on the premises are not properly covered or guarded so that people or animals could fall into them and be trapped.

12.2 The owner and occupant of premises shall not permit those premises to be in an unsafe condition.

12.3 *repealed 35/2004*

SECTION 13

TESTS

13.1 All required tests of materials shall be conducted according to the appropriate methods found in the standards listed in the Code, or in the absence of these, as specified by the designated employee or other authority acceptable to him.

13.2 Tests and inspections shall be conducted as required by the designated employee and all costs thereto shall be borne by the owner or constructor.

amended 54/2012

13.3 Laboratory tests shall be conducted by a laboratory acceptable to the designated employee.

SECTION 14**PERMITS AND CERTIFICATES****GENERAL**

14.1.1 Except as provided for in Sentence 14.2.1(2), a permit is required whenever work regulated by this By-law or the Code is to be undertaken.

amended 6255/93

14.1.2(1) Subject to subsection 14.8.2(1), an application for a permit or certificate under this By-law must be in writing in a form prescribed by the Director, and must be made by:

amended 108/2017

- (a) the owner;
- (b) an individual authorized in writing by the owner to apply on behalf of the owner; or
- (c) a licensed mechanical, plumbing or demolition contractor who has been contracted to carry out the work for which the permit or certificate is being sought.

amended 163/2022

- (1.1) The designated employee may require that the application for a permit or certificate submitted in accordance with subsection (1) include drawings or plans which, in the opinion of the designated employee, are reasonably required to review and make a decision in respect of the application.

amended 80/2008, 54/2012; 108/2017

- (2) *repealed 166/2004*

- (3) If the applicant, or a design professional named by an applicant,

- (a) fails within a reasonable period of time to provide information required to process the application or fails to respond to communication from the City, or
- (b) otherwise appears to have abandoned the application,

the designated employee may reject the application. The designated employee may give the applicant notice of a decision to reject an application by sending the notice to the applicant at the address provided by the applicant in the application

amended 6255/93, 6280/93 and 6595/95, 54/2012

14.1.3 (1) A permit automatically expires and is thereafter null and void if the owner does not ensure that construction or other work authorized by the permit

- (a) subject to item 14.1.3(2), is initiated within 6 months after the permit is issued;
- (b) subject to item 14.1.3(2), is completed within
 - (i) three years after the date the permit is issued; or
 - (ii) a greater length of time as determined to be reasonable by the designated employee in the case of extraordinarily large construction projects; and
- (c) complies with the conditions imposed on the permit, including the conditions set out in sentence 14.1.5
amended 54/2012

14.1.3 (2) Upon application by the owner, a designated employee may grant an extension to the date by which construction or other work must be initiated or completed. The extension may extend the time period for initiation or completion by no more than the time period set out in Items 14.1.3(1)(a) and (b) for the initiation or completion of the construction or other work authorized by the permit. In order to qualify for the extension, the owner must

- (a) submit, and undertake to implement, a work plan which sets reasonable and measurable targets for stages of construction or other work to be completed; and
- (b) provide a deposit in an amount equal to 40% of the cost of the permit, which must be refunded, without interest, if the construction or other work is initiated or completed within the extended time period.
added 54/2012; amended 58/2020

14.1.3 (3) A designated employee may revoke a permit by giving notice to the owner at the address provided by the owner in the permit application if

- (a) the construction or other work authorized by the permit is not proceeding reasonably to completion after being initiated; or
- (b) the owner does not meet the targets set out in the work plan referred to in Item 14.1.3(2)(a) for stages of construction or other work to be completed.
added 54/2012

14.1.3 (4) Where a designated employee has revoked a permit under Item (3) and the same owner applies for a new permit in respect of substantially the same construction project, the designated employee may require that the owner provide a deposit in an amount equal to the cost of the permit before issuing the permit. The deposit must be refunded, without interest, if the owner complies with Item 14.1.3(1) in respect of the construction or other work for which the permit is issued.

added 54/2012

14.1.4 Where an inspection is requested and it is necessary that the inspection be conducted outside of regular office hours or conducted during office hours in addition to a regular inspection, a fee shall be charged as provided for in The Development Fees By-law, in addition to the required permit fees.

amended 6595/95

14.1.5 Every permit is issued upon the condition

- (a) that pegs, stakes, lines and other marks approved by the designated employee be located on the building site so as to establish the line or limiting distance beyond which the building or structure shall not extend as specified on the permit, and shall be accurately maintained during the course of construction and until occupancy has been approved and such markings shall be provided for the erection a new building or structure, extension or addition to existing buildings or structures moved from one location to another whether on the same property or not;
- (b) that the work shall be carried out in accordance with all provisions of this By-law and the Code and all provisions as described on the permit and accepted drawings;
- (c) that all City by-laws and provincial and federal regulations be complied with; and
- (d) that the designated employee shall get copies of all changes ordered which may alter any conditions or requirement of this By-law and the Code, and a set of the revised drawings showing these changes.

14.1.6 All work being carried out under a permit issued prior to the effective date of this By-law or of the Code shall be completed in accordance with the previous by-law or Code requirements and any special conditions described on the permit and accepted drawings.

amended 54/2012

14.1.7 A permit shall be considered void and all rights under the permit shall be terminated if the negotiable instrument used for payment of the permit fee is returned for any reason.

14.1.8 Information satisfactory to the designated employee shall be submitted with each application for a permit to enable the designated employee to determine whether or not the proposed work will conform to the by-law and the Code and whether or not it may affect adjacent property.

14.1.9 When required by the designated employee, drawings, specifications, structural calculations and/or a code analysis shall be provided.

14.1.10 Drawings drawn to scale upon paper, cloth or other substantial material shall be clear and durable, and shall indicate the nature and extent of the work and proposed occupancy in sufficient detail to establish that when completed the work and the proposed occupancy will conform to this By-law and the Code.

14.1.11 (1) Site plans shall be referenced to an up-to-date survey and, when required to prove compliance with the by-law or the Code, a copy of the survey shall be submitted to the designated employee.

amended 108/2017

(2) Site plans shall show, when required by the designated employee,

- (a) by dimensions from property lines, the location of the proposed building;
- (b) the similarly dimensioned location of every other adjacent existing building on the property;
- (c) existing and finished ground levels to an established datum at or adjacent to the site; and
- (c) the access routes for fire fighting.

14.1.12 In lieu of separate specifications, the designated employee may allow the essential information to be shown on the drawings but in no case shall such terms as "in accordance with the Code", "legal", or similar terms be used as substitutes for specific information.

14.1.13 When, in order to expedite work, acceptance of a portion of the building is desired prior to the issuance of a permit for the whole building, application shall be made for the complete building and complete drawings and specifications covering the portion of the work for which immediate acceptance is desired shall be filed with the designated employee.

14.1.14 The granting of a permit for part of a building authorizes work on that part of the building only, and does not assure that the permit for the entire building will be granted. Work not covered by permit shall not be commenced.

14.1.15 After issuance of the permit, application may be made for revision of the permit, and such applications shall be made in the same manner as for the original permit.

14.1.16 Applicable fees set out in the Planning, Development and Building Fees By-law are payable in respect of permits, certificates and inspections referred to in this section.

14.1.17 *amended 80/208*
repealed 80/2008

14.1.18 The construction, addition or alteration of any building located within 107 m of normal summer water level of a waterway (river, stream, creek, coulee or drain) may also be subject to *The Rivers and Streams Act* and in such cases, reference should be made to The Winnipeg Rivers and Streams Authority No. 1.

BUILDING PERMITS

14.2.1 (1) Subject to subsections (2), (2.1) or (2.2), unless the required permit has first been obtained from the designated employee, no person shall commence or cause to be commenced

amended 54/2012; 110/2024

- (a) the location, placement, erection or construction of any building or structure, or portion thereof;
- (b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
- (c) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;
- (d) underpinning;
- (e) the relocation or removal of any building or structure, or portion thereof;
- (f) the excavation of any land for any purpose of erecting or locating on or above it, any building or structure;
- (g) the installation, construction, repair, renewal, alteration or extension of a mechanical system or wood-burning appliance;
- (h) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process;
amended 118/2017
- (i) the alteration, addition, erection or re-erection of a sign or antennae structure including any accessories; and
amended 6255/93; 118/2017
- (j) the installation of interior subsurface drainage equipment, including sump pits, sump pumps and associated equipment.
added 118/2017

- (2) Despite subsection 1, a building permit is not required for the following construction work:

amended 54/2012; 110/2024

- (a) patching, painting or decorating;
- (b) replacement of stucco or siding with the same material as that being replaced;
- (c) replacement of roofing material with the same material as that being replaced;
- (d) replacement of floor coverings;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) construction or installation of a detached accessory storage building not greater than 10 m² in building area;
- (h) installation of mobile homes situated in mobile home parks, excluding the construction of accessory buildings; and
amended 118/2017
- (i) erection of temporary tents less than 901 square feet in building area.
amended 54/2012; 108/2017; 118/2017
- (j) *repealed 118/2017*

- (2.1) Despite subsection 1, a building permit is not required for the following construction work on single family houses, duplexes and triplexes or on properties on which those buildings are located:

amended 110/2024

- (a) replacement of doors when the opening is not altered;
- (b) replacement of windows with windows of the same size;
- (c) non-structural work other than:
amended 108/2017
 - (i) plumbing construction;
 - (ii) electrical construction;
 - (iii) the development of previously undeveloped space within an existing building; or

- (iv) the creation of a new bedroom.
 - (d) construction of unenclosed residential decks 600mm or less in height above finished ground.
added 54/2012
- (2.2) Despite subsection 1 and subject to subsection (2.3), a building permit is not required for the erection of seasonal pools.
added 110/2024
- (2.3) Despite subsection (2.2), the Designated Employee is authorized to determine that a pool is not a seasonal pool and, where the Designated Employee has so determined, the Designated Employee is authorized to issue an order requiring an owner to obtain a building permit.
added 110/2024
- (3) Notwithstanding that a building permit is not required as stated in aforesaid Sentence 14.2.1(2), such work shall comply with the regulations of this Bylaw or the Code or other applicable Bylaws and the work shall not place the building or structure in contravention or further contravention of the Code or any other by-law.
amended 6255/93

14.2.2 Except as otherwise allowed by the designated employee, every application for a building permit shall

- (a) identify and describe in detail the work and major occupancy to be covered by the permit for which application is made;
- (b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
- (c) include a plot plan showing the street lines or other boundaries of the property upon which it is proposed to erect the structure and the location thereof upon the property in relation to the other structures on such property and the premises immediately adjoining;
- (d) include drawings and specifications and show the occupancy of all parts of the building;
- (e) when required for antenna structures, include complete drawings and specifications covering the construction of the antenna structure and accessories thereto, and other information with respect to the building upon which it is proposed to locate the antenna structure as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the antenna structure without exceeding the stress requirements;

- (f) state the valuation of the proposed work, where required by the designated employee, and be accompanied by the required fee;
amended 166/2004
- (g) state the names, addresses and telephone number of the applicant, owner, design professional who has signed and sealed the plans and drawings and, if different, the design professional who has reviewed the construction, and constructor; and
amended 54/2012
- (h) include proof of acceptance, when necessary, from other authorities.

14.2.3 (1) The designated employee is authorized to determine the value of work for which a permit is sought, whether or not it is necessary to do so in order to determine the applicable permit fee. At the request of the designated employee, the permit applicant must provide a reasonable estimate of the value of the work and any other information available to the applicant that is reasonably required by the designated employee to make that determination.

amended 166/2004; 80/2008; 108/2017

- (2) The valuation to be shown on an application for a building permit shall mean the total monetary worth, of all construction work including all painting, papering, roofing, electrical and mechanical work, plumbing, permanent or fixed heating equipment, and any permanent equipment and all labour, including the work of designing and managing the project and other professional services, and materials and devices which form part of the work in its completed form. No portion of any building including mechanical, electrical and plumbing work, shall be excluded from the valuation of the building permit because of any other permits required by any governing by-law, regulation or agency.
amended 108/2017
- (3) Notwithstanding the provisions of Sentence 14.2.3(2) aforesaid, the valuation for a building permit in the case of a removal or relocation, shall include the cost to move the building, excavation at the new site, cleaning and leaving the former site in the condition specified in this By-law or in the Code, and alterations or repairs to the building.
- (4) In the case of the erection, alteration or enlargement of any sign or encroachment, the valuation shall reflect the cost of all labour, materials and devices necessary to complete the work.
- (5) Every owner, architect, professional engineer, contractor or builder, having contracted for or having performed supervised or inspected any work of construction, alteration or repairs on any land, or the agent of such person, shall give, in writing over his signature when requested by the designated employee all the information in his power with respect to the cost of the work.

amended 54/2012

TEMPORARY BUILDING PERMITS

14.3.1 (1) Notwithstanding anything contained elsewhere in this By-law or in the Code, a permit for a temporary building may be issued by the designated employee, authorizing for a limited time only, the erection and existence of a building or part thereof for an occupancy which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the Code.

(2) No person shall erect or place a temporary building without first entering into an agreement with the City and obtaining the required permit.

14.3.2 A temporary building shall be permitted only for;

- (a) a display home or cottage;
- (b) a mobile home utilized as a residence while a permanent dwelling is being constructed on the same site, or
- (c) the following major occupancy classifications:
 - (i) All Divisions, Group A;
 - (ii) Group D; and
 - (iii) Group E.

14.3.3 The permit for a temporary building shall require the acceptance of the Chief of the Fire Department and the Medical Health Officer before issuance.

14.3.4 A temporary building shall not exceed one (1) storey in height.

14.3.5 A temporary building shall be permitted for a period not exceeding one (1) year, on the condition that the temporary building shall be removed before the expiration of the specified period of time, except that this period may be extended and another temporary building permit issued when warranted in the opinion of the designated employee.

14.3.6 The temporary building shall be properly maintained at all times.

14.3.7 The temporary building shall be subject to any other conditions that may be specified by the designated employee.

14.3.8 Temporary buildings to be used in connection with construction work may be erected without obtaining a permit, but shall be removed immediately upon completion of the construction work.

DEMOLITION PERMITS

14.4.1 No person shall commence or cause to be commenced the demolition of any building or structure, or portion thereof, unless the required permit has first been obtained from the designated employee as hereinafter provided.

14.4.1.1 The designated employee shall not accept an application for a permit to demolish any building or portion thereof unless the applicant possesses a Demolition Contractor's Licence in good standing with the City of Winnipeg.

added 163/2022

14.4.2 Except as otherwise allowed by the designated employee, every application for a demolition permit shall

- (a) describe the building or structure that is to be demolished;
- (b) identify and describe in detail the work for which application is made;
- (c) include all necessary drawings and specifications;
- (d) include, when necessary, clearances from other authorities;
- (e) state the names, addresses and telephone numbers of the applicant, owner and professional engineer; and
amended 54/2012
- (f) be accompanied by the required fee.

14.4.3 Notwithstanding the requirements of Article 14.1.3 aforesaid, every demolition permit is issued upon the condition that

- (a) the demolition be commenced within the time stated on the permit, except that, if no time is so stated on the permit, the demolition shall be commenced within thirty (30) days of the issuance of the permit;
- (b) the demolition be actively carried out thereafter and be completed:
amended 108/2017
 - (i) in the case of any building or structure with a commercial occupancy, within 60 days; and
 - (ii) in the case of any other building or structure, within 30 days

following the date on which the demolition permit is issued, unless an extension of time is requested by the permit holder and approved by the designated employee prior to the expiration of the 30 day or 60 day time limit, as the case may be; and

- (c) no modifications to the accepted method of demolition be made without prior approval of the designated employee.

14.4.4 The requirements pertaining to demolitions are contained in section 16 herein.

ELECTRICAL PERMITS

14.5.1 The requirements for the issuance of an electrical permit shall be as set forth in The Winnipeg Electrical By-law.

PLUMBING PERMITS AND CERTIFICATES

- 14.6.1 (1) Except as provided in Sentence (2) herein, a plumbing system shall not be constructed, extended, altered, renewed or repaired unless a plumbing permit to do so has been obtained.
- (2) A plumbing permit is not required when
- (a) a stoppage in the drainage system is cleared;
 - (b) a leak is repaired in a water distribution system;
 - (c) a fixture is replaced without any change to the drainage system;
 - (d) a replacement is made to existing faucets, service water heater, valves or pipes and fittings in a water distribution system.
- (3) Plumbing permits shall be issued only to
- (a) a licensed plumbing contractor;
 - (b) a person to do work on a single family dwelling owned by him, and occupied by him, only as his domestic domicile, provided that he has satisfied the designated employee that he is competent to perform such work; or
 - (c) to a person to do work in a single family dwelling owned by him, which will be occupied by him upon completion, only as his domestic domicile, provided that he has satisfied the designated employee that he is competent to perform such work.
- (4) A plumbing permit shall not be transferable.

- 14.6.2 (1) Every application for a plumbing permit shall be accompanied by a specification or description of the proposed work.
- (2) When required by the designated employee, the application shall also be accompanied by a plan that shows;
amended 108/2017
- (a) the location and size of every building drain, and of every trap and cleanout fitting that is on a building drain;
 - (b) the size and location of every soil or waste pipe, trap and vent pipe;
and
 - (c) a layout of the potable water distribution system including pipe sizes and valves.

14.6.3 The designated employee may revoke a plumbing permit issued pursuant to paragraphs (b) or (c) of Sentence 14.6.1(3) aforesaid, if during the course of inspection it becomes obvious that the person is not competent to perform such work, and may require that the work be corrected and completed by a licensed plumbing contractor under a new plumbing permit.

amended 108/2017

14.6.4 Notwithstanding anything elsewhere contained in this By-law, if the work being carried out under a plumbing permit issued pursuant to paragraphs (b) or (c) of Sentence 14.6.1(3) aforesaid has not been completed within twelve (12) months from the date of issuance of the permit, the permit shall expire.

14.6.5 When a plumbing system has been completed and has been accepted, the designated employee, when requested, shall issue a certificate of plumbing inspection to the owner and/or to the plumbing contractor.

amended 54/2012; 108/2017

SIGN PERMITS

- 14.7.1 (1) Except as permitted in Sentence (2) herein, no person shall commence or cause to be commenced the construction, erection, location, relocation, alteration or repair, other than normal maintenance of any sign unless the required permit has first been obtained from the designated employee.

amended 108/2017

- (2) Except as varied herein, the following signs shall not be subject to the provisions of this section but this exception shall not relieve the owner or person in control of such signs from erecting and maintaining the sign in a safe condition and complying with the applicable Zoning By-law:

amended 54/2012

- (a) signs of a duly constituted governmental body, including traffic or similar regulating devices, legal notices, or warnings at railroad crossings;
- (b) signs in display windows including writing, representation, painting or lettering directly on the surface of any window or door, or other figure or similar character within a building visible from the exterior.
- (c) memorial signs commemorative plaques or cornerstones of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided they bear only the name of the owner, the name or use of the building, the date of the erection of the building and/or reading matter commemorating a person or event;
amended 54/2012
- (d) construction signs;
- (e) signs required to be erected or maintained by law or governmental order, rule or regulation;
- (f) directional signs;
- (g) real estate signs;
- (h) signs not exceeding 3 square metres used to promote a candidate during a government election.

14.7.2 Except as otherwise allowed by the designated employee, every application for a sign permit shall provide the following information:

amended 108/2017

- (a) the street and street number of the building or structure to which the sign is, or is to be attached, or the legal description of the zoning lot on which the sign is to be located;
- (b) the maker's name and address;
- (c) the names, addresses and telephone number of the applicant, owner, architect, professional engineer or other designer, and constructor;
amended 54/2012
- (d) the sign surface area and copy area of the sign, drawn to scale, giving all dimensions, plus the supporting members;
- (e) the maximum height and clearance of the sign;
- (f) the weight, voltage, wattage of the sign where applicable;

- (g) the dimensions of the wall surface of the building to which the sign is to be attached;
- (h) a site plan, drawn to scale, showing the proposed location of the sign in relation to the boundaries of the lot and the dimensions of the building and/or the lot upon which it is to be situated, and in the case of the projecting signs the width of the sidewalk over which it projects;
- (i) size and location of all signs of the same classifications existing on the premises and/or the building;
- (j) structural, footing, details, and material specifications;
- (k) in the case of electrical signs the size, number and location of all potential discharge tubes, florescent and incandescent lamps, current and voltage rating and circuit loading for each sign;
- (l) if the sign is illuminated or animated the colour to be used and the technical means by which this is to be accomplished;
- (m) when required, complete drawings and specifications covering the construction of the sign and accessories thereto, and other information with respect to the building upon which it is proposed to locate the sign as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the sign without exceeding the stress requirements.

MECHANICAL PERMITS AND CERTIFICATES

added 80/2008

- 14.8.1(1) Except as provided in Sentence (2) herein, a mechanical system or any element of a mechanical system must not be constructed, extended, altered, renewed or repaired unless a mechanical permit has been obtained from the designated employee.
- (2) Subject to Sentence (3), a mechanical permit is not required when the construction, extension, alteration, renewal or repair:
- (a) is limited to duct alterations, additions or deletions that take place at the fan or service connection;
 - (b) does not result in removal or alteration of either smoke or fire dampers;

- (c) does not affect or alter the integrity of existing fire-rated shafts and enclosures;
 - (d) is limited to the replacement, relocation or addition of sprinkler heads with the same capacity, zone and hydraulic flow as those previously approved;
 - (e) is limited to the replacement of one or more existing standpipe valves or hoses with the same capacity as those being replaced;
 - (f) is limited to maintenance of an existing mechanical system;
 - (g) is limited to replacing existing cooking equipment;
 - (h) is limited to replacing an existing commercial kitchen exhaust fan;
 - (i) is limited to replacing or relocating a chiller; or
 - (j) takes place in a single family or two family residential dwelling.
 - (3) Although a permit is not required for the construction, extension, alterations, renewals or repairs referred to in Sentence (2), the work referred to in that Sentence must fully comply with the Code, this By-law and other applicable by-laws and, in addition, must not result in the building contravening the Code, this By-law or other applicable by-laws.
- 14.8.2(1) An application for a mechanical permit may only be made by, and a mechanical permit may only be issued to:
amended 119/2017
- (a) a licensed mechanical contractor; or
added 119/2017
 - (b) a person who is authorized by a licensed mechanical contractor, in writing in a form acceptable to the Designated Employee, to apply for a mechanical permit on the licensed mechanical contractor's behalf.
added 119/2017
- 14.8.2(1.1) A mechanical permit is not transferable.
added 119/2017
- (2) An application for a mechanical permit must be accompanied by:
 - (a) specifications or a description of the proposed work;
 - (b) the name and contact information of the licensed mechanical contractor who will be performing the proposed work; and
added 119/2017

- (c) where requested by a designated employee, a plan that shows
 - (i) the type, location, capacity and size of all equipment, ducts and dampers and associated heating, venting, air movement and air handling equipment; or
 - (ii) the type, location and size of all fire protection equipment and systems.

amended 119/2017 (entire subsection c)

- (3) Where an application requires that the applicant declare the value of the work for which the permit is sought, the applicant must set out the total monetary worth of the permanent or fixed equipment and devices as well as the labour, materials and other devices necessary to complete the work for which the permit is being sought without excluding any of the work because of any other permits required by another by-law, regulation or agency.
- 14.8.3(1) Where a designated employee has reasonable grounds to conclude that the permit holder is not competent to perform the work for which the permit has been issued, the designated employee is authorized to revoke the permit and require that a new permit be issued to another licenced mechanical contractor before the work is completed.
- (2) A permit issued under this section expires unless the work for which it was issued is initiated within a six month period and continued without unreasonable interruption until completion.
 - (3) Where a mechanical system has been inspected and approved, a designated employee, upon request and payment of the applicable fee, must issue a certificate of mechanical inspection to the permit holder or the property owner.

SECTION 15

OCCUPANCY

REQUIREMENTS FOR OCCUPANCY

15.1.1 No owner, agent or person in charge shall occupy/use a building or part thereof, or permit any occupancy/use of a building or part thereof, or change the occupancy, without first obtaining a Building Occupancy Permit as set forth in this subsection.

amended 6255/93, 54/2012

15.1.2.1 A Building Occupancy Permit is required for a building or structure or part thereof:

a) or any new building or structure or portion thereof except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;

amended 6255/93

b) or any existing building or structure where an alteration is made thereto, except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;

amended 6255/93

c) or a change from one Major Occupancy Group to another or a change from one Division to another within a Major Occupancy Group in any existing building or structure or part thereof;

amended 6255/93

d) or a change from one use to another within the same Division in a Major Occupancy Group which results in an increase in the occupant load;

amended 6255/93

e) for a change to a new use not previously authorized

amended 6353/94

f) *amended 6353/94; repealed 110/2024*

15.1.3 (1) The designated employee may issue an Interim Building Occupancy Permit for a partial use of a building or structure subject to any conditions imposed by the designated employee.

amended 6255/93, 54/2012; 108/2017

(2) Without restricting the generality of item (1), the conditions imposed on an Interim Building Occupancy Permit may include

(a) requiring that the applicant release and indemnify the City of Winnipeg from any claims made against it for harm or loss resulting from the issuance of the Permit;

(b) requiring that the applicant provide a certificate of insurance in an amount and of a type that the designated employee considers sufficient to adequately protect the City from liability; and

(c) requiring that the owner undertake to obtain a final building occupancy permit within a specified period of time.

added 54/2012

- (3) A person who fails to comply with a condition imposed under this Sentence commits an offence.

added 54/2012

15.1.4 No change shall be made in the type of occupancy or use of any building or structure, which would place the building or structure in a different occupancy group, or division within a group, unless such building or structure is made to comply with the requirements of the Code for that occupancy group, or division within a group.

amended 6255/93

15.1.5 Every new building or structure that requires a Building Occupancy Permit shall comply with the construction requirements for the Major Occupancy Group to be housed therein, except that the designated employee may consent to a Building Occupancy Permit for a building or structure which varies in a minor respect from the requirements of the Code, where in the opinion of the designated employee, such a variation will substantially accomplish the objects of the Code.

amended 6255/93; 108/2017

15.1.6 Every existing building or structure that requires a Building Occupancy Permit shall, wherever practical, comply with the construction requirements for the major occupancy group to be housed therein, except that the designated employee may consent to a Building Occupancy permit for a building or structure which varies from the regulations of the Code, where in the opinion of the designated employee, the construction is reasonable under the circumstances, and will not jeopardize life or property.

amended 6255/93; 108/2017

15.1.7 The designated employee may issue a Temporary Building Occupancy Permit for the use of a building or structure approved as a temporary building or structure under the Winnipeg Building Bylaw.

amended 6255/93; 108/2017

15.1.8 A Temporary Building Occupancy Permit shall be for a period of not more than one (1) year, but before the expiration of such period, the Temporary Building Occupancy Permit may be renewed by the designated employee for a further one year period.

amended 6255/93; 108/2017

15.1.9 Notwithstanding apparent compliance with this Bylaw, the designated employee may refuse to issue a Building Occupancy Permit if the building, structure or proposed use is to the designated employee's knowledge in violation of a Zoning Bylaw, or any other Bylaw of the City.

amended 6255/93; 108/2017

15.1.10 An applicant for a Building Occupancy Permit shall supply all information requested by the designated employee to show compliance with this Bylaw and any other relevant Bylaws of the City.

amended 6255/93; 108/2017

15.1.11 Before the issuance of a Building Occupancy Permit, the necessary fees shall be paid in advance.

amended 6255/93

15.1.12 The required Building Occupancy Permit shall be displayed and maintained in a legible condition by the owner or his agent in a location acceptable to the designated employee.

amended 6255/93, 54/2012; 108/2017

OCCUPANT LOAD

15.2.1 (1) Notwithstanding anything elsewhere contained in the Code, for each assembly room or area in a building or structure classified as a Group A occupancy the designated employee shall furnish an Occupant Load Placard which can be easily read from a distance of 6 m stating the occupant load for the room or area, unless the designated employee deems it to be unnecessary.

amended 108/2017

(2) The Occupant Load Placard shall be displayed in a location acceptable to the designated employee.

amended 108/2017

15.2.2 (1) The proposed occupant load for each assembly room or area shall be clearly indicated on the plans submitted for review at the time of application for a building permit.

(2) The occupant load specified may be less than that determined by the minimum requirements of the Code, either by the choice of the designer or because of other regulations, but the design of the building shall properly accommodate the number of persons determined by the Code.

15.2.3 (1) The owner of the building or structure shall be responsible for keeping the actual occupant load within the limits specified on the Occupant Load Placard.

amended 54/2012

(2) The owner of a building may request that the designated employee furnish a revised Occupant Load Placard providing the request is submitted in writing and contains sufficient information to justify the change.

amended 54/2012; 108/2017

SECTION 16

REMOVAL, RELOCATION, OR DEMOLITION OF A BUILDING OR STRUCTURE

REGULATIONS

16.1.1 (1) This section provides regulations for

- (a) the moving of an existing building or structure from a site within the City or Additional Zone to another site;
- (b) the moving of an existing building or structure and the placing of same at another location on the same site; and
- (c) the demolition of a building or structure.

(2) Notwithstanding anything elsewhere contained in this By-law, a building or structure to be moved onto a site in the City or Additional Zone from a site outside said areas shall comply with the regulations of this By-law and the Code for new construction.

16.1.2 (1) The relocation of a building or a structure shall not be permitted unless all regulations of this By-law and the Code for new construction are complied with unless otherwise accepted under subsection 11.4. aforesaid.

(2) The demolition of a building or structure shall be subject to the requirements of Part 8 of the Code.

16.1.3 A building or structure shall not be removed or relocated, within the City or Additional Zone, if the building or structure, in the opinion of the designated employee,
amended 108/2017

- (a) is in such a state of deterioration or disrepair, or is otherwise so structurally unsafe that it could not be moved without endangering persons or property; or
- (b) will vary in appearance from the usual types of buildings at its new site to such extent as to lessen the desirability for building purposes of land in the immediate vicinity.

APPLICATIONS

16.2.1 Upon application for a permit to demolish, relocate, or remove a building or structure, the applicant shall submit a statement that the taxes upon the land and building or buildings, or structures have been paid in full, and that the land and building or buildings, or structure have not been sold for taxes, and if so sold, have not been redeemed. This provision shall not apply to buildings or structures demolished under section 9 or subsection 12.6 aforesaid, of this By-law or of any other by-law of the City, or section 439 of *The City of Winnipeg Act*.

amended 6595/95

16.2.2 The designated employee on may require that an application for a permit to remove, relocate or demolish a building or structure contain one or more of the following:

amended 108/2017

- (a) a description of the building or structure giving the existing location, construction materials, dimensions, number of rooms and condition of exterior and interior;
- (b) a legal description of the existing site;
- (c) a legal description of the site to which it is proposed that the building or structure is to be moved if located within the City or Additional Zone; and
- (d) a plot plan of the site to be occupied by the building or structure if located within the City or Additional Zone.

16.3 The owner, or his agent, of a site from which a building or structure is to be removed or demolished shall

amended 54/2012

- (a) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service, and no work shall be carried out until these services have been shut off and/or removed;
- (b) arrange to plug the sewer line with a concrete stopper in conformance with the Sewer By-law; and
- (c) upon completion of the removal or demolition, put the site into such condition as is safe, level, sanitary and consistent in appearance with the nature and use of adjoining lands, to the satisfaction of the designated employee.

amended 7912/2001; 108/2017

SECTION 17**LICENSING****PLUMBING CONTRACTOR'S LICENCE**

17.1.1 Except as permitted by Article 17.1.2 herein, every person, firm, corporation, or government department desiring to carry on the work of placing, installing, maintaining, repairing, or replacing a plumbing system in the City of Winnipeg or the Additional Zone, shall be licensed as a Plumbing Contractor, and the person or some member of the firm or some official of the corporation or government department shall apply in writing to the designated employee for examination and shall pay the appropriate examination fee, and upon passing the examination and paying the appropriate contractor's licence fee, shall be given a Plumbing Contractor's Licence, enabling such plumbing work to be carried on by such person, firm, corporation or government department, subject to the limitations of the licence and the other requirements of this By-law.

amended 108/2017

17.1.2 Article 17.1.1 aforesaid does not apply to a home owner doing work covered by a permit issued in accordance with either paragraph (b) or (c) of Sentence 14.6.1(3) aforesaid.

amended 54/2012

17.1.3 The holder of a Plumbing Contractor's Licence shall be authorized to obtain permits to perform plumbing work within the scope of the licence as follows:

- (a) the holder of a Plumbing Contractor's Licence "A" shall be permitted to perform any plumbing work governed by the City of Winnipeg By-laws;
- (b) the holder of a Plumbing Contractor's Licence "B" while in the employ of a Corporation, Firm, Company or Government Department shall be permitted to install and maintain the plumbing system in premises, owned, leased or managed by the Corporation, Firm, Company or Government Department; and
- (c) the holder of a Plumbing Contractor's Licence "C" shall be permitted to perform limited plumbing work authorized by the designated employee.

amended 108/2017

17.1.4 Notwithstanding the requirements of Article 17.1.1 aforesaid the examination fee and/or licence fee referred to may be waived for certain corporations or government departments, when such is warranted in the opinion of the designated employee, and where the only plumbing work being done is of a routine nature in connection with the maintenance or operation of a building or plant.

amended 108/2017

QUALIFICATIONS FOR LICENCE

17.2.1 A person applying for a specific Plumbing Contractor's Licence shall meet the applicable requirements as follows:

- (a) to qualify for a Plumbing Contractors Licence "A", the applicant shall:
 - (i) be a journeyman plumber; and
 - (ii) have passed an examination set out by the Examining Committee;
- (b) to qualify for a Plumbing Contractor's Licence "B", the applicant shall:
 - (i) be a journeyman plumber or the holder of a power engineer's licence issued under the Manitoba Power Engineers Act; and
 - (ii) have passed an examination set out by the Examining Committee;
- (c) to qualify for a Plumbing Contractor's Licence "C", the applicant shall:
 - (i) be a person who performs a specialized service related to the plumbing and mechanical trade; and
 - (ii) have passed an examination set out by the Examining Committee.

APPLICATION FOR LICENCE

17.3.1 Every application for application for a Plumbing contractor's Licence shall give the name and business address of the applicant.

17.3.2 If the applicant is a partnership, the application shall contain the names and addresses of the various partners of the firm.

17.3.3 If the applicant is a corporation, the names and addresses of the corporation officers and their corporate titles shall be shown.

17.3.4 If the applicant is a government department, the name and address of the department head and his title shall be shown.

LICENCE FEE

17.4.1 The fee for a Plumbing Contractor's Licence shall be as specified in The Development Fees By-law for the year or fraction thereof for which same is taken out.

amended 6595/95

RENEWAL OF LICENCE

17.5.1 (1) Plumbing Contractor's Licences shall not be transferable.

amended 166/2004

(1.1) Plumbing Contractor's Licences may be issued for multiple years and expire on the date indicated on the licence.

added 166/2004; amended 108/2017

(2) If a Plumbing Contractor's Licence has not been renewed before the first day of March, following the expiration of his or her licence the applicant shall requalify as set out in subsection 17.2 aforesaid.

amended 166/2004

(3) The designated employee may require that the applicant for renewal of a Plumbing Contractor's Licence, or some member or employee of the firm, write the examination required in Article 17.1.1 aforesaid.

amended 108/2017

17.6 Every person licensed shall give immediate notice to the designated employee of any change in his place of business or in the case of any firm of its dissolution or of a change of its name or, in the case of a corporation of any change in persons holding corporate offices.

amended 108/2017

17.7 Every plumbing contractor shall be responsible for the work of his employees.

17.8 The designated employee may revoke, cancel or suspend a Plumbing Contractor's Licence if, upon review of the facts presented at a hearing, he is of the opinion that the licensee has violated any of the provisions of this By-law or the Code.

amended 108/2017

EXAMINING COMMITTEE

17.9.1 (1) There is hereby established an examining committee consisting of three (3) members as set forth in Sentence (2) herein who shall prescribe the subjects for which candidates for a plumbing contractor's licence shall be examined and conduct and provide for the supervision of the examination of candidates and report thereon to the designated employee.

amended 108/2017

(2) The Committee shall consist of the Manager of Building Inspections, or his designate and the Chief Mechanical Inspector of the City of Winnipeg, and a representative appointed by the Mechanical Contractors' Association of Manitoba.

amended 6677/95

MECHANICAL CONTRACTOR'S LICENCE*added 80/2008*

17.10.1 No individual, partnership, firm, corporation or government department may place, install, maintain, repair or replace a mechanical system in the City of Winnipeg without a Mechanical Contractor's Licence issued under this section and, in particular, no individual, partnership, firm, corporation or government department may:

- (a) perform any work on HVAC systems or mechanical hazardous process systems to which this or any other by-law applies without a Mechanical Contractor's Licence "M1";
- (b) perform any work on fire protection systems to which this or any other by-law applies without a Mechanical Contractor's Licence "M2";
- (c) perform any work on cooking equipment ventilation systems and fire protection systems for cooking equipment ventilation systems and equipment to which this or any other by-law applies without a Mechanical Contractor's Licence "M3"; or;
amended 119/2017
- (d) act as Prime Mechanical Contractor in respect of work described in clauses (a) or (b) without a valid Mechanical Contractor's Licence "M-Prime", unless they hold a valid Mechanical Contractor's Licence "M1" or Mechanical Contractor's Licence "M2", as the case may be.
added 119/2017

QUALIFICATIONS OF LICENCE HOLDER

17.10.2(1) A Mechanical Contractor's Licence may only be issued to an individual, partnership, firm, corporation or government department if the individual or the partner, employee or official applying on behalf of the partnership, firm, corporation or government department:

amended 119/2017

- (a) holds journeyman certification; or
amended 119/2017
- (b) is a factory-trained and factory-certified installer
amended 119/2017

in the field in respect of which the Mechanical Contractor's Licence is being sought.
added 119/2017

- 17.10.2(2) Notwithstanding subsection (1), a Mechanical Contractor's Licence "M-Prime" may be issued to an individual, or to the partner, employee or official applying on behalf of the partnership, firm, corporation or government department, who does not meet the requirements of subsection (1) if the individual, partnership, firm, corporation or government department acts as Prime Mechanical Contractor in respect of work described in clauses 17.10.1(a) or 17.10.1(b).

added 119/2017

APPLICATION FOR LICENCE

- 17.10.3(1) An application for a Mechanical Contractor's Licence must contain the following information:

- (a) the name and business address of the applicant; and
- (b) where the applicant is not an individual, the names and addresses of:
 - (i) the partners in a partnership;
 - (ii) the officers of a corporation and their titles;
 - (iii) the head of a government department and his or her title.

- (2) An application for a Mechanical Contractor's Licence must be accompanied by a licence fee as specified in the Planning, Development and Building Fees By-law.

amended 119/2017

TERMS AND CONDITIONS OF LICENCE

- 17.10.4(1) A Mechanical Contractor's Licence is not transferable. Where the individual who applied for a Mechanical Contractor's Licence on behalf of partnership, firm, corporation or government department is no longer employed by or acting on behalf of the partnership, firm, corporation or government department, the licence expires.

amended 119/2017

- (2) A Mechanical Contractor's Licence may be issued for one- or three-year terms, and shall expire on the date indicated on the licence.

amended 119/2017

- (3) A Mechanical Contractor's Licence is renewable.

- (4) A Mechanical Contractor's Licence is conditional upon the licence holder providing immediate notification to the designated employee of any of the following:
- (a) a change in business address or location;
 - (b) the dissolution of the partnership, firm or corporation;
 - (c) a change of the name of the partnership, firm, corporation or government department;
 - (d) a change in the individuals holding corporate offices.

SUSPENSION AND REVOCATION OF LICENCE

17.10.5(1) Where the designated employee concludes that the holder of a Mechanical Contractor's Licence has violated any of the relevant provisions of this or another by-law or Code, he or she may suspend the licence for a period of up to 12 months or revoke the licence permanently.

- (2) Prior to suspending or revoking a Mechanical Contractor's Licence, the designated employee must provide the licence holder an opportunity to be heard.

REVIEW COMMITTEE

17.10.6(1) A review committee is hereby established, which consists of

- (a) the Designated Employee;
 - (b) a City of Winnipeg employee or other individual appointed by the Designated Employee; and
 - (c) an individual appointed by the Mechanical Contractors Association of Manitoba.
amended 119/2017
- (2) The Review Committee is empowered to determine whether an applicant's qualifications, as set out in subsection 17.10.2, are relevant to the field for which a licence is being sought.

SECTION 18

ESTABLISHMENT OF COMMISSION

18.1.1 The Winnipeg Building Commission is hereby established.
amended 8162/2002

MEMBERSHIP

- 18.2.1 (1) The Building Commission shall consist of nine (9) members, who are qualified by experience and training to consider matters pertaining to building design and construction.
amended 6199/93
- (2) The following members, shall have at least ten years experience in his occupation and shall be in active practice during the term of his appointment:
- (a) two (2) members of the Association of Professional Engineers of the Province of Manitoba of which one (1) shall be a Civil or Structural Engineer and the other a Mechanical or a Fire Protection Engineer;
amended 54/2012
 - (b) two (2) members of the Manitoba Association of Architects;
amended 54/2012
 - (c) one (1) active member of the Winnipeg Construction Association;
 - (d) one (1) active member of the Manitoba Home Builders Association;
amended 6199/93
 - (e) one (1) senior Fire Officer of The City of Winnipeg, Fire Department;
 - (f) *repealed 54/2012*
 - (g) two members at large with expertise in the application of the Codes or the Electrical Code.
added 6199/93; amended 54/2012
- (3) The members appointed in Sentence 18.2.1(2) aforesaid, shall appoint by majority vote a chairman and deputy chairman.
- (4) The term of each member appointed in Sentence 18.2.1(2) aforesaid shall be for a period of three (3) years measured from the date of appointment.

SECRETARY OF BUILDING COMMISSION

- 18.3.1 (1) An employee of the City shall serve as secretary of the Commission but shall not have the right to vote at meetings of the Commission.
amended 8162/2002
- (2) The secretary shall be custodian of the records, conduct correspondence and be responsible for clerical work of the Commission and be present at all meetings and shall present all relevant information on matters presented to the Commission.

AUTHORITY

18.4.1 The Commission is hereby authorized:

- (a) upon application by any person or on its own initiative, to modify or vary requirements of this or another by-law that applies to the construction of a building where the Commission considers it advisable and expedient because of the proposed use of new methods or materials;
- (b) where this or another by-law requires an alteration to be made to, or equipment to be installed in, an existing building, upon application by any person or on its own initiative, to decide, subject to The Buildings and Mobile Homes Act, whether the alteration must be made or the equipment installed;
amended 54/2012
- (c) to provide advice to City employees, committees of Council and Council on matters relating to this by-law; and
amended 8162/2002, 54/2012
- (d) upon application by anyone directly affected by a pending order or decision of a designated employee with respect to the application of the Codes and the Electrical Code to construction, including decisions about whether a proposed design, construction technique or construction material constitutes an appropriate alternative solution to the prescriptive requirements of the Codes and decisions about deviations to the Electrical Code, to provide advice and recommendations to a designated employee prior to the order or decision being made.
added 54/2012

RULES OF PROCEDURE

- 18.5.1 (1) Except as covered in Sentence (3), the Building Commission shall hold regular meetings at such time as may be fixed by a resolution of the Commission.
- (2) One week prior to a regular meeting and/or hearing, the secretary of the Building Commission shall send by mail to each member of the Commission a copy of the minutes of the previous meeting and/or hearing and a copy of the agenda for the forthcoming meeting and/or hearing.
- (3) In the event that there are no items on the agenda for the said forthcoming meeting and/or hearing, it shall be cancelled for that month.
- 18.5.2 (1) Any person wishing to apply to have the Building Commission consider a matter shall advise the secretary of the Commission in writing, clearly stating his request, and the secretary shall advise the person applying, of the day and time set for the meeting and/or hearing so that he or his representative may attend.
- (2) The secretary shall include all such applications on the agenda for the consideration of the Commission, but any applications received by the secretary after the agenda has been mailed to the members of the Commission shall be included on the agenda for the next month's meeting and/or hearing.
- 18.5.3 (1) The meeting and/or hearing of the Building Commission shall be called to order only when a quorum of four (4) Commission members are present.
- (2) The decision of a majority of the Commission members voting on any item on the agenda shall constitute the decision of the Building Commission.
- (3) In the case of a tie vote the Chairman shall cast the deciding vote.
- (4) Decisions of the Commission shall be served in accordance with *The City of Winnipeg Charter*.
amended 8162/2002
- 18.5.4 The order of business for a meeting and/or hearing shall be as follows:
- (a) call to order;
- (b) hearing of delegations;
- (c) reading of minutes of previous meeting and/or hearing;
- (d) discussing business arising out of the minutes;
- (e) discussing unfinished business;

- (f) discussing new business; and
- (g) adjournment.

18.5.5 (1) A member of the Building Commission must declare that he or she is in a conflict of interest and must not take part in the deliberations of the Commission with respect to a matter brought to the Commission under Sentence 18.4.1 if he or she

- (a) has a personal, financial or professional interest in the matter;
- (b) is employed by or holds a position in a professional firm or company whose interests are directly involved in the matter.

added 54/2012

- (2) Notwithstanding item (1), a member of the Building Commission is not in a conflict of interest solely by reason of the fact that he or she has a personal, financial or professional interest in, or is employed by or holds a position in a professional firm or company whose interests are directly involved in, one or more other buildings or construction projects in which matters similar to the matter being brought to the Commission have arisen or may arise. However, a member of the Building Commission in this position must declare that this is the case before taking part in the deliberations of the Commission with respect to the matter.

added 54/2012

APPEAL

18.6.1 An appeal from a decision of the Winnipeg Building Commission may be made to the Designated Committee in accordance with *The City of Winnipeg Charter*.

amended 8162/2002; 108/2017

18.6.2 *repealed 8162/2002*

REMUNERATION

18.7.1 All members of the Commission except those appointed under Paragraph (e) of Sentence 18.2.1(2) and Sentence 18.2.1(3) aforesaid, will be paid such fee as Council may, from time to time, prescribe for each meeting attended.

SECTION 19**STORAGE AND HANDLING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS**

19.1 Subject to the provisions of this By-law, every person must comply with the Fire Prevention By-law and the Manitoba Fire Code in storing and handling flammable and combustible liquids.
amended 150/2004

19.2 No person may install or remove a storage tank containing or constructed to contain flammable or combustible liquids in a site above-ground, below-ground or inside buildings without first obtaining the consent of the Chief of the Fire Paramedic Service and a building permit for this purpose.
amended 150/2004

SECTION 20**SIGNS AND ANTENNA STRUCTURES****GENERAL**

20.1.1 (1) Signs encroaching on or over public property shall also comply with the Encroachment By-law.

(2) Signs shall also comply with the applicable Zoning By-law.

20.1.2 (1) Unless special permission is obtained from the appropriate authority having jurisdiction for lesser clearances, all sign and antenna structures, including accessories, shall have the following clearances from electrical power lines:

(a) 0 to 750 volts

(i) horizontally 600 mm

(ii) vertically 1m

(b) 750 to 22,000 volts

(i) horizontally 1.2 m

(ii) vertically 3.0 m

(c) 22,000 to 50,000 volts

(i) horizontally 2.0 m

(ii) vertically 4.0 m

- (2) The minimum clearances listed in Sentence (1) apply under conditions of maximum sag and maximum swing of the conductor for vertical and horizontal clearances respectively.
 - (3) A clearance of at least 1 m shall be maintained between poles and other fixtures lawfully erected and any part of a sign or antenna structure and its accessories.
 - (4) No sign or antenna structure shall be erected, constructed or maintained in any manner which will obstruct any fire escape or any window or door or opening used as a required means of egress or so as to prevent free passage from a roof to any other part thereof. No sign or antenna structure shall be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening for required light or ventilation.
- 20.1.3 (1) All signs and antenna structures, including supports, shall be kept in proper repair and appearance and in the case of electric signs, the lamps and other electrical apparatus connected thereto shall be maintained in efficient operative condition.
- (2) No owner or agent shall maintain a sign or antenna structure heretofore erected unless the same be supported in an adequate manner by supports, braces, and guys of suitable size and strength, and properly fastened.
amended 54/2012
 - (3) No owner or agent shall maintain or permit any sign to be maintained including any guys, stay or attachment connected therewith which interferes with any light, power, telephone, telegraph or transit pole or wire or any fire escape or any apparatus or appliance connected therewith.
amended 54/2012
- 20.1.4 (1) All existing signs and antenna structures which are in safe condition as far as fire safety, structural and location requirements are concerned may be maintained, but no such sign or antenna structure when once removed shall be replaced either on the same building or elsewhere without complying in all respects with the provisions of this By-law and the Code.
- (2) Any existing sign or antenna structure which is unsafe from the standpoint of fire safety, structural safety or location may be ordered to be made safe or removed.
- 20.1.5 (1) No sign or antenna structure shall hereafter be structurally altered, rebuilt, enlarged, extended or re-located except in conformity with the provisions of this By-law.
- (2) The changing of removable parts of signs that are designed for changes, or the repainting of display matter shall not be deemed to be alterations within the meaning of this section, although such work shall comply with the applicable Zoning By-law.

- (3) The designated employee may refuse to issue a sign permit if, in his opinion, the sign may interfere or otherwise obstruct traffic lights, or in any way interfere with visibility from the street.
amended 108/2017

CONSTRUCTION AND DESIGN

20.2.1 All signs and antenna structures shall be designed and constructed as herein provided and in accordance with Part 4, of the Code to resist live and dead loads. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs and antenna structures on buildings, the load shall be transmitted through the structural frame of the building to the ground in such manner as not to over-stress any of the elements thereof.

20.2.2 Where signs and supports are not under design of a Professional Engineer, the supporting cable and turnbuckles, when used, shall meet the minimum requirements of Tables 20.2.2.A and 20.2.2B herein. The number of supports and fittings shall be dependent on the size, shape, projection and loads of the sign and the various loads acting on same.

20.2.3 All signs and antenna structures and any of their supporting structures shall be fastened with non-corrosive fasteners or otherwise have the fastening devices protected from corrosion.

20.2.4 Every sign, hereinafter erected shall be plainly marked with the name of the contractor or erector, size and weight, voltage and wattage and said information must be readily visible after its erection.

20.2.5 Accepted combustible plastics may be used in the construction of signs where, in this By-law, it requires noncombustible material, providing the combustible plastic materials conform to CSA Standard C 22.2 No. 207 - Portable and Stationary Electric Signs and Displays. All electrical signs shall be constructed in conformance with the Winnipeg Electrical By-law.
amended 6595/95

TABLE 20.2.2.A
Forming Part of Article 20.2.2
GALVANIZED 7 STEEL WIRE STRAND CABLE

Nominal Strand		Breaking Strength	
inches	mm	lbs.	N
3/16	4.76	1,100	4893
1/4	6.35	1,800	8006
9/32	7.14	2,350	10453
5/16	7.94	3,100	13789
3/8	9.53	3,750	16680
Column 1		Column 2	

TABLE 20.2.2
Forming Part of Article 20.2.2
TURNBUCKLES
Drop Forged-Galvanized

Diameter of Screw		Breaking Strength Eyes and Shackles	
inches	mm	lbs.	N
1/4	6.35	1,600	7117
5/16	7.94	2,700	12009
3/8	9.53	4,000	17792
Column 1		Column 2	

Free-Standing Signs and Antenna Structures

20.3.1 All free-standing signs and antenna structures shall be constructed of noncombustible materials throughout except that

- (a) signs not exceeding 4.6 m above the surface of the ground at any point may be constructed of combustible material; and
- (b) signs not exceeding 7.6 m above the ground at any point shall be constructed with noncombustible columns and braces and supports, and may have the display area including backing of combustible materials.

20.3.2 All free-standing signs and antenna structures exceeding 7.6 m in height above the adjacent finished ground shall be structurally designed by a Professional Engineer.

20.3.3 The foundation of all free-standing signs and antenna structures exceeding 4.6 m in height shall be of concrete.

20.3.4 The minimum clearances of free-standing signs and antenna structures shall be as follows:

- (a) no portion of any free-standing sign or antenna structure shall hereafter be erected within 1200 mm of any property line or from a wood frame building which is on the same property, unless such sign is constructed entirely of noncombustible materials except for the display area and backing of a sign;
- (b) no portion of any free-standing sign or antenna structure with structural members of combustible materials shall hereafter be erected within a distance equivalent to the height of the structure from any property line abutting a street;

- (c) there shall be a clearance of at least 1200 mm between any portion of a free-standing sign or antenna structure in front of any required opening in the exterior wall face of a building erected on the same property; and
- (d) projections associated with free-standing signs or antenna structures such as guys, stays and other attachments such as reflectors used to illuminate shall not be permitted less than 2.6 m above the surface of the ground at any point except that with regard to antenna structures, guys and stays may be permitted less than 2.6 m above the surface ground if:
 - (i) the antenna structure is located in a rear yard of a private residential property and
 - (ii) the guys are provided with shields acceptable to the designated employee or located so they do not pose a hazard.

amended 108/2017

ROOF SIGNS AND ROOF AND WALL MOUNTED ANTENNA STRUCTURES

20.4.1 All roof signs, including uprights, supports and braces and display area shall be of noncombustible construction, except

- (a) that accepted combustible plastics may be used as facing materials and as letters and decorations; and
- (b) that the display area and moulding may be of combustible materials provided such sign
 - (i) is less than 7.6 m in height measured from the roof surface, and
 - (ii) is less than 37 m² on any one side.

20.4.2 All roof and wall mounted antenna structures, including uprights, supports and braces and display area shall be of non-combustible construction, unless the building on which the antenna is located is permitted to be of combustible construction.

20.4.3 All roof signs and roof and wall-mounted antenna structures shall be structurally designed by a Professional Engineer when exceeding either 110 kg in weight or 10 m² in area on any one side.

20.4.4 Clearance and access about roof signs shall be as herein provided

- (a) passage clear of all obstructions, except for necessary horizontal supports not more than 600 mm from the roof surface, shall be left under or around and immediately adjacent to all roof signs exceeding 900 mm above the roof surface. Such passage shall be not less than 900 mm wide by 2 m high and shall be at parapet or roof level;
- (b) there shall be one such passage or access opening as follows:
 - (i) for each roof sign upon a building,
 - (ii) for every 15 m of horizontal roof sign extension, and
 - (iii) within 6 m of walls and parapets when roof signs are located at an angle of 45 degrees or greater to a face of the building;
- (c) there shall be a clearance of at least 1200 mm between any portion of the roof sign and any opening in the exterior wall face or roof of the building on which it is erected; and
- (d) no portion of any roof sign shall be erected within 1200 mm of any wood frame wall extending above the roof line of the same building unless such sign is constructed entirely of noncombustible material, and the proper clearances are maintained.

20.4.5 In no case shall a roof sign or any part thereof including any supports and braces project beyond the exterior surface of the exterior wall of the building to which it is attached.

FACIA SIGNS

20.5.1 All fascia signs shall be constructed of noncombustible materials throughout when such signs

- (a) exceed 37 m² on walls required to be of noncombustible construction or required to have noncombustible cladding;
- (b) are located more than 7.6 m above grade; or
- (c) are located within 600 mm of any window, fire escape or exit above the second storey floor line.

20.5.2 No fascia sign shall be permitted to be supported by an unbraced parapet wall unless the structural stability of the parapet wall is adequate.

20.5.3 Facia signs may project above the top of the roof or parapet wall immediately adjacent thereto a distance not exceeding 900 mm provided that the means of egress to and egress from the said roof are adequate, and that the structural stability of the parapet wall is adequate.

20.5.4 Projections associated with fascia signs such as guys, stays and other attachments such as reflectors used to illuminate, shall not be permitted less than 2.6 m above the surface of the ground at any point.

20.5.5 Fascia signs shall be securely attached to the building or structure by means of metal anchors, bolts or expansion screws. Such signs shall not be fastened by nails or staples to wooden blocks or nailing strips built into masonry.

PROJECTING SIGNS

20.6.1 All projecting signs including frames, braces and supports shall be constructed of noncombustible materials except that:

- (a) accepted combustible plastics (see Article 20.2.5. aforesaid) may be used as facing materials, letters and decorations; and
- (b) non-structural members of signs not exceeding 2 m² in area may be of wood, metal, accepted plastics or combination thereof.

20.6.2 Covers of the service opening shall be securely fastened by chains and/or hinges.

20.6.3 Projecting signs shall not be attached or fastened in any manner to parapet walls unless designed by a Professional Engineer.

20.6.4 Projecting signs weighing more than 110 kg. shall be structurally designed by a Professional Engineer.

20.6.5 Projecting signs shall be adequately supported by cables, rods, chains or other approved method. In all cases, each projecting sign weighing more than 22 kg shall have at least one accepted fastener passing entirely through the wall or roof of the building to which it is attached.

20.6.6 The "A" frames or other similar methods of support used in the construction of projecting signs shall not exceed 1.8 m in overall height above an exterior wall

20.6.7 Unless otherwise accepted by the designated employee each cable, rod, chain or equivalent shall have a reputed breaking strength as specified in Table 20.6.7. herein
amended 108/2017

20.6.7 Projecting signs shall be at least 2.5 m above grade.

TABLE 20.6.7.A

Forming Part of Article 20.6.7
BREAKING STRENGTH OF CABLE, ROD, CHAIN, ETC.
FOR VARIOUS WEIGHTS OF SIGNS

Weight of Signs		Projection of Signs		Breaking Strength	
lbs.	Kg	Ft.	mm	lbs.	N
50 max.	22.7 max.	2 max.	600 max.	600	2669
50 max.	22.7 max.	Over 2	Over 600	1250	5560
Over 50 but less than 100	Over 22.7 but less than 45.4	Over 2	Over 600	2000	8896
Over 100 but less than 250	Over 45.4 but less than 113.6	Over 2	Over 600	2500	11120
Over 250 but less than 400	Over 113.6 but less than 181.8	Over 2	Over 600	3500	15568
Over 400	Over 181.8	Over 2	Over 600	Design required	Design required
Column 1		2		3	

AWNING AND SUN VISOR SIGNS

20.7.1 (1) No sign shall be attached in any manner to an awning or sun visor unless:

- (a) the awning or sun visor is constructed entirely of noncombustible materials, and
- (b) a Professional Engineer certifies that the awning or sun visor, and the supporting structure, are capable of supporting the sign.

(2) Signs permitted in accordance with Sentence (1) aforesaid, shall comply with the regulations for marquee or canopy signs.

HOARDING SIGNS

20.8.1 No sign shall be placed on any hoarding except those referred to in paragraphs (d), (f) and (g) in Sentence 14.7.1(2) aforesaid.

MARQUEE AND CANOPY SIGNS

20.9.1 If any sign other than a projecting sign (as provided in this By-law) is attached to the roof of a marquee or canopy, placed flat against the face or edge of the marquee or canopy or erected over or under a marquee or canopy, such sign shall be constructed in compliance with the following provisions:

- (a) The sign construction shall be of noncombustible materials throughout except that the construction may be equivalent to what is required for the marquee or canopy construction;
- (b) The lowest part of any sign attached to the face or edge or under a marquee or canopy shall be not less than 2.6 m above grade; and
- (c) No sign attached to a marquee or canopy shall project beyond the face or edges more than 400 mm horizontally.

COMBINATION SIGNS

20.10.1 Any combination sign, not specifically allowed by this By-law, may be permitted provided that the construction of the whole sign complies with the most restrictive provisions of the type of sign so combined.

MOBILE ADVERTISING SIGNS

20.11.1 Every mobile advertising sign shall be constructed to the satisfaction of the designated employee, shall be designed to resist overturning due to wind loading utilizing a 1 in 10 year return period wind velocity with a 1.25 safety factor, and shall be approved by either the Canadian Standards Association or the Manitoba Department of Labour.

amended 108/2017

20.11.2 The designated employee may issue an identification label which shall be affixed to a mobile advertising sign.

amended 108/2017

SECTION 21

MARQUEES, CANOPIES, AWNINGS AND SUN VISORS

21.1

21.1.1 Except as permitted in Article 21.2.1. herein, all marquees, canopies, awnings and sun visors shall be constructed of non-combustible materials except where they are attached to an exterior wall of a building permitted to be of combustible construction and are located not more than two (2) storeys above grade.

21.1.2 All marquees, canopies, awnings and sun visors shall be designed to sustain the dead and live loads that may be imposed thereon.

21.1.3 The roof of all marquees, canopies and awnings shall be drained in an acceptable manner (see the Manitoba Plumbing Code).

21.1.4 The minimum headroom of a marquee, canopy, awning or sun visor over an entrance or sidewalk shall be 2 m.

21.2

21.2.1 Combustible textile coverings may be used on canopies and awnings provided they are located not more than two (2) storeys above grade and provided the material is flame-resistant.

21.2.2 Flame-resistance shall be determined in accordance with NFPA Standard No. 701 "Standard Methods of Fire Tests for Flame-Resistant Textiles and Films."

21.2.3 The framing of canopies and awnings having combustible textile coverings shall be constructed of non-combustible material.

21.3 No electrical wiring, equipment or apparatus shall be attached to or incorporated in a canopy or awning covered with combustible textiles that require periodic flameproofing.

21.4 Marquees, canopies, awnings or sun visors encroaching on or over public property (sidewalks, streets, etc.) shall comply with the Encroachment By-law.

SECTION 22

METAL CLADDING

22.1 Unless otherwise accepted by the designated employee, metal cladding used on buildings shall be of the factory-finished type.

amended 108/2017

SECTION 23

SUBSURFACE DRAINAGE

GENERAL

23.1.1 Where buildings are provided with a subsurface drainage system, the system shall be constructed so that the drainage is directed to a sump pit equipped with a pump and discharged to the outside of the building in conformance with the Manitoba Plumbing Code and all applicable by-laws.

amended 5436/90; 110/2024

23.1.2 *added 5436/90; repealed 110/2024*

SUMP PUMPS

23.2.1 *repealed 110/2024*

23.2.2 *repealed 110/2024*

SUMP PITS

23.3.1 *repealed 110/2024*

DISCHARGE

23.4.1 *repealed 110/2024*

23.4.2 (1) *repealed 110/2024*

23.4.3 *repealed 110/2024*

23.4.4 *added 5436/90; repealed 110/2024*

FLOOR DRAINS

23.5.1 *added 5436/90; repealed 110/2024*

SECTION 24

ROOF AND SURFACE DRAINAGE

24.1 Unless otherwise accepted by the designated employee, all residential buildings connected to a public sewer shall be provided with eavestroughing and downspout mechanisms.
amended 108/2017

24.2 Where downspouts are provided and are not connected to a sewer, provision shall be made to prevent soil erosion, and extensions or splash pads shall be provided to carry the rain water a minimum of 1.3 metres from the building.

24.3 Unless otherwise accepted by the designated employee, roof drainage or surface drainage shall not be discharged on public sidewalks, stairs or neighbouring property and shall be conveyed so as not to cause dampness in the walls, ceilings, or floors at any portion of the building itself or any adjacent building.
amended 108/2017

Section 24.4: Private Pools *added 110/2024*

Scope

24.4.1 This section applies to private pools.

Design

24.4.2 The structural design for a private pool that is an in-ground swimming pool must bear the seal of a professional engineer competent and qualified in the structural designing of in-ground swimming pools.

Enclosures

24.4.3 A private pool that is located outdoors must be enclosed with a fence, or other suitable barrier, constructed in accordance with the following requirements:

- (a) the fence or barrier must have a minimum height of 1.5m;

- (b) there must be no openings in the fence or barrier, other than a door to a building or a gate as described in clause (d);
- (c) it must be constructed so as to prevent a person from crawling under the fence or barrier and any gate in the fence or barrier;
- (d) any gate in the fence or barrier must be
 - (i) self-closing;
 - (ii) at least 1.5m in height; and
 - (iii) equipped with a lockable latch so as to prevent unauthorized entry;
- (e) where the fence or barrier, or any gate, is chain-link style, the outside surface of the fence or barrier, and any gate, must be at least No. 11 gauge; and
- (f) where the fence or barrier, or any gate, is not chain-link style, the outside surface of the fence or barrier, and any gate, must be smooth so as to not provide hand, foot or toe holds.

24.4.4 Where the designated employee determines that the fence or barrier, or any gate, required under this section contains any feature that the designated employee deems undesirable or unsuitable, the designated employee is authorized to order the owner to correct the situation.

Hot Tub and Swim Spa Covers

24.4.5 Despite 24.4.5 and 24.4.6, where a private pool is an outdoor hot tub or swim spa, a fence or barrier and a gate, are not required if the hot tub or swim spa is equipped with a cover, provided that:

- (a) the cover has the structural strength to support the weight of a person walking across the top of the cover when it is in the closed position; and
- (b) the cover is locked in the closed position so as to prevent access to the water by unauthorized persons at all times when the hot tub or swim spa is not in use.

SECTION 25

OFFENCES AND PENALTIES

amended 8162/2002; 61/2017

25.1 A failure to comply with any of the following constitutes a contravention of this By-law:
amended 61/2017

- (a) any provision of this By-law;
amended 61/2017
- (b) an order or decision of a designated employee made pursuant to an authority granted by this By-law;
amended 61/2017
- (c) a decision of the Winnipeg Building Commission;
amended 8162/2002; 61/2017
- (d) the standards and requirements set out in the Code;
added 61/2017
- (e) an Order issued by a justice as part of a sentence for a contravention of this By-law.
added 61/2017

25.2 Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

added 61/2017

25.3 If a provision of this By-law is not included in Schedule A to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a contravention of that provision is subject to a minimum fine of \$500.
added 61/2017

SECTION 26

REPEAL

26. Subject to section 27 herein, By-law No. 3199/82 of The City of Winnipeg and amendments thereto, is hereby repealed.

SECTION 27

EFFECTIVE DATE

27.1 Except for section 23, all sections and Appendix A of this By-law shall come into force on the date of its passing.

27.2 Appendix A, B and C of By-law 3199/82 shall apply mutatis mutandis to this By-law for a period of 120 days from the date that this By-law comes in effect.

27.3 Section 23 of this By-law shall come into effect on the 121st day from the date that this By-law comes into effect.

DONE AND PASSED in Council assembled, this 6th day of May, 1987.

1 [See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.](#)

2 [See sections 180 to 184 and sections 116 and 117 of The City of Winnipeg Charter for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

3 [See sections 116 and 117 of The City of Winnipeg Charter for information about how to serve orders, decisions and other documents.](#)

4 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)

APPENDIX A
TO BY-LAW NO. 4555/87

REQUIREMENTS FOR BOARDING-UP AND
SECURING VACANT BUILDINGS

- A.1** Doors, windows and other openings at the basement and first floor levels shall be covered with a solid piece of plywood, at least 11 mm thick. This plywood shall be secured with nails at least 50 mm long, spaced not more than 150 mm on centre.
- A.2** Unless otherwise accepted by the designated employee, all doors, windows and other openings on the second and third floors shall be covered with a solid piece of plywood, at least 8 mm thick. This plywood shall be adequately nailed or otherwise secured.
amended 108/2017
- A.3** Plywood applied to openings shall be installed from the exterior, shall be fitted within the frames in a manner accepted as good workmanship, and shall be painted with two coats of white paint on the exterior side.
- A.4** Openings that are not covered with plywood shall be cleared of broken glass and any other loose material.
- A.5** Exterior access to floor areas above the first floor, such as fire escapes and ladders shall be
- (a) removed up to the second floor level or to a height of 4 m above the ground which ever is lesser, or
 - (b) guarded to the satisfaction of the designated employee.
amended 108/2017
- A.6** Openings to areaways shall be adequately secured and protected. Openings in a street or sidewalk to an areaway shall be covered with an appropriate metal plate, having a thickness not less than 8 mm and the plate shall be anchored or secured to prevent it from shifting. Alternatively, the areaway may be filled with concrete or unshrinkable fill to the satisfaction of the designated employee.
amended 108/2017
- A.7** Facia signs, overhanging signs, roof signs and all other appurtenances, such as sunvisors or awnings shall be removed if they are in a dangerous condition or could create such a condition.
- A.8** All loose material on the exterior of the building shall be removed and any condition which may become a hazard or danger to the public shall be corrected.

- A.9** All utilities, such as hydro, gas and water, shall be cut off or shut off to the satisfaction of the utility concerned.