

**THE CITY OF WINNIPEG**  
**SECONDARY DYKE BY-LAW**  
**NO. 7600/2000**

**A By-law of THE CITY OF WINNIPEG  
designating Secondary Dyke Corridors, and  
regulating construction within Secondary  
Dyke Corridors.**

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

1. This By-law shall be referred to as the **"Secondary Dyke By-law"**.

**Definitions**

2. (1) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the words and expressions in The City of Winnipeg Act.
- (2) In this By-law,  
**"building"** includes:
  - (a) a well, pipe line, conduit, cut, excavation, dyke, and any structure or erection, or any part of any of those things,
  - (b) an addition to or extension of anything listed in (a), and,
  - (c) a chattel that is attached to anything listed in (a);

but does not include

- (d) a chain link or wooden fence, or
- (e) an erection or structure which
  - (i) does not have a fixed location on or in the ground, or
  - (ii) is not attached to something having a fixed location on or in the ground;

**"construction"** includes

- (a) erecting, extending, enlarging, placing, removing, relocating and demolishing a building,
- (b) moving a building from one site to another, and
- (c) underpinning the foundation of a building;

**"designated committee"** means The Standing Policy Committee on Public Works;

**"designated employee"** means the Director of Water and Waste, (the "Director") or such other person as may be authorized in writing by the Director, to exercise some or all of the powers vested in the person holding the position of Director, by this By-law;

**"development"** includes

- (a) the construction of a building on, over or under land,
- (b) the excavation or removal of soil from land,
- (c) the alteration of surface or sub-surface drainage, the planting or growing of a tree, and the deposit or stockpiling of soil or material on land.

**"in"** when used in respect of a secondary dyke, or secondary dyke corridor, whether by itself or as part of the word "within", includes "on", "under" and "over";

**"owner"** means a person, or the 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 a part of any rents or profits therefrom, whether the rents or profits are received on the person's own account, or as agent or trustee for another person;

**"permit"** means a permit issued by a designated employee under section 5;

**"primary dike"** includes a primary dyke or an existing flood defence line, as shown on the Interim Flood Risk Maps, as designated on February 15, 1980, under the Canada-Manitoba Flood Damage Reduction Agreements, including any amendments thereto, filed at the head office of the Water Resources Branch of the Conservation Department in Winnipeg;

**“secondary dyke”** means any permanent dyke or other flood control work within the City of Winnipeg which has been, or is, constructed between a primary dyke and the channel of the Red, Assiniboine, Seine or LaSalle Rivers, or between a primary dyke and the channel of the Sturgeon, Truro, Omand’s or Bunn’s Creeks.

**“secondary dyke corridor”** means that area prescribed by Schedule “A”.

**“temporary dyke”** means a non-permanent dyke erected for the purpose of protecting the City, or part of the City, from flood;

**“tree”** means any woody plant of a species which at maturity is usually 5 or more metres in height, having one or more self-supporting trunks, and includes the roots, branches, trunk, crown, or any part thereof, but does not include a woody shrub;

**“woody shrub”** means any woody plant of a species which at maturity is usually less than 5 metres in height, having usually more than one self-supporting stem, and including the roots, branches, stems, crown or any part thereof.

### **Maintenance of secondary dyke corridors**

3. Every owner shall maintain the secondary dyke corridor located on their property free and clear of trees.

### **No retroactive effect**

4. Section 3 does not apply to any tree located within a secondary dyke corridor prior to the date this by-law is enacted by Council.

### **Regulation of construction within corridor**

5. No person shall authorize, begin, or undertake, any development within a secondary dyke corridor without first having obtained a permit.

## **Permits**

6. (1) Upon receipt of an application containing information satisfactory to the designated employee that would enable the designated employee to determine whether or not the proposed development will meet the provisions of this By-law, and upon payment of the fee at the time of application as prescribed in Schedule "B", the designated employee may issue a permit.
- (2) A permit shall not be issued for development to be done in a secondary dyke corridor unless the applicant demonstrates to the reasonable satisfaction of the designated employee that the proposed development will not, or will not have a tendency to, adversely affect:
  - (a) the integrity of a secondary; or,
  - (b) the construction, or integrity, of a temporary dyke.
- (3) The designated employee may issue a permit to allow development within a secondary dyke corridor subject to such terms and conditions as he considers necessary to ensure compliance with subsection (2).
- (4) Where the designated employee refuses to issue a permit to allow development within a secondary dyke corridor, a written notice shall be sent to the applicant stating the reason for the refusal.

## **Expiry of permits in one year**

7. A permit issued under section 6:
  - (a) shall expire and the right of an owner under the permit shall terminate if the development authorized by the permit is not commenced within one (1) year from the date of issuance of the permit and reasonably continued without interruption thereafter; and,
  - (b) may, upon receipt of a request for renewal and upon payment for the fee prescribed in Schedule "B", be renewed by the designated employee on only one occasion for an additional period not exceeding one (1) year.

### **Right of entry**

8. Subject to section 155 (warrant) of *The City of Winnipeg Act*, the designated employee may, at all reasonable times, with the consent of the owner or occupier, and on displaying identification, enter and inspect any land or building in a secondary dyke corridor to administer and enforce this By-law.

### **Liability**

9. The City and its employees and agents are not liable for loss or damage to a person by reason of anything done or omitted to be done in the exercise of powers under this By-law except where the loss or damage results from the negligence of the City or its employees or agents.

### **Enforcement and Orders**

10. Where a person contravenes or fails to comply with section 3 or 5, or with a permit issued pursuant to section 6, the designated employee may make an order requiring the person, within a period of time stated in the order to:

- (a) desist or refrain therefrom;
- (b) to make application for a permit;
- (c) to comply with conditions set out in an existing permit; or
- (d) to remedy, in a manner stated in the order, any alteration caused by the contravention or failure to comply;

and the order shall state that if the person fails to comply with it, the City may, without further notice or legal process and at the expense of the person, take action under section 13.

### **Appeals**

11. A person who is aggrieved by an order or decision of the designated employee in respect of development within a secondary dyke corridor may file an objection to the order or decision with the designated committee in writing within fifteen (15) days of receipt of notice of the designated employee making such order or decision.

### **Decision of designated committee**

12. On hearing an objection, the designated committee may make such order as it considers fair and just.

### **City may act**

13. Where a person who is served with an order made under section 10, or a decision made under section 11, fails to comply with the order or decision, the designated employee may, without further notice or legal process, do or cause to be done all things necessary to carry out the order.

### **Collection of costs incurred**

14. The cost of any work done by the City under section 13 may be recovered by the City by court action, and is a lien on the building and the materials thereof, and the land on which the building is located, and the cost shall be charged against the owner of the building and collected by the City as a debt due to the City or, as certified by the designated employee from time to time, may be added to the taxes on the land or building and may be collected in the same manner as other municipal taxes.

### **Penalties**

15. Any person who contravenes or disobeys or refuses or neglects to obey any part of this By-law, is guilty of an offence and liable to a fine not exceeding \$1,000.00 in the case of an individual, or \$5,000.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months, or to both.

### **Severability**

16. If any provision of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated.

**By-law subordinate**

17. The requirements of this By-law stand in addition to the requirements of any other By-law or statutory provision in force within the City of Winnipeg.

**Schedules**

18. Schedules "A" and "B" attached hereto are hereby declared to be and to form part of this By-law.

**DONE AND PASSED** in Council assembled, this 26<sup>th</sup> day of April, 2000.

**Schedule "A"**

Schedule "A" to By-law No. 7600/2000 of The City of Winnipeg and consists of the following:

Schedule "A.1" Lord Avenue Secondary Dyke Corridor Plan - one page.

Schedule "A.2" Kingston Crescent Secondary Dyke Corridor Plan - one page.

Schedule "A.3" Kingston Row Secondary Dyke Corridor Plan - one page.

Schedule "A.4" Scotia Street Secondary Dyke Corridor Plan - four pages.

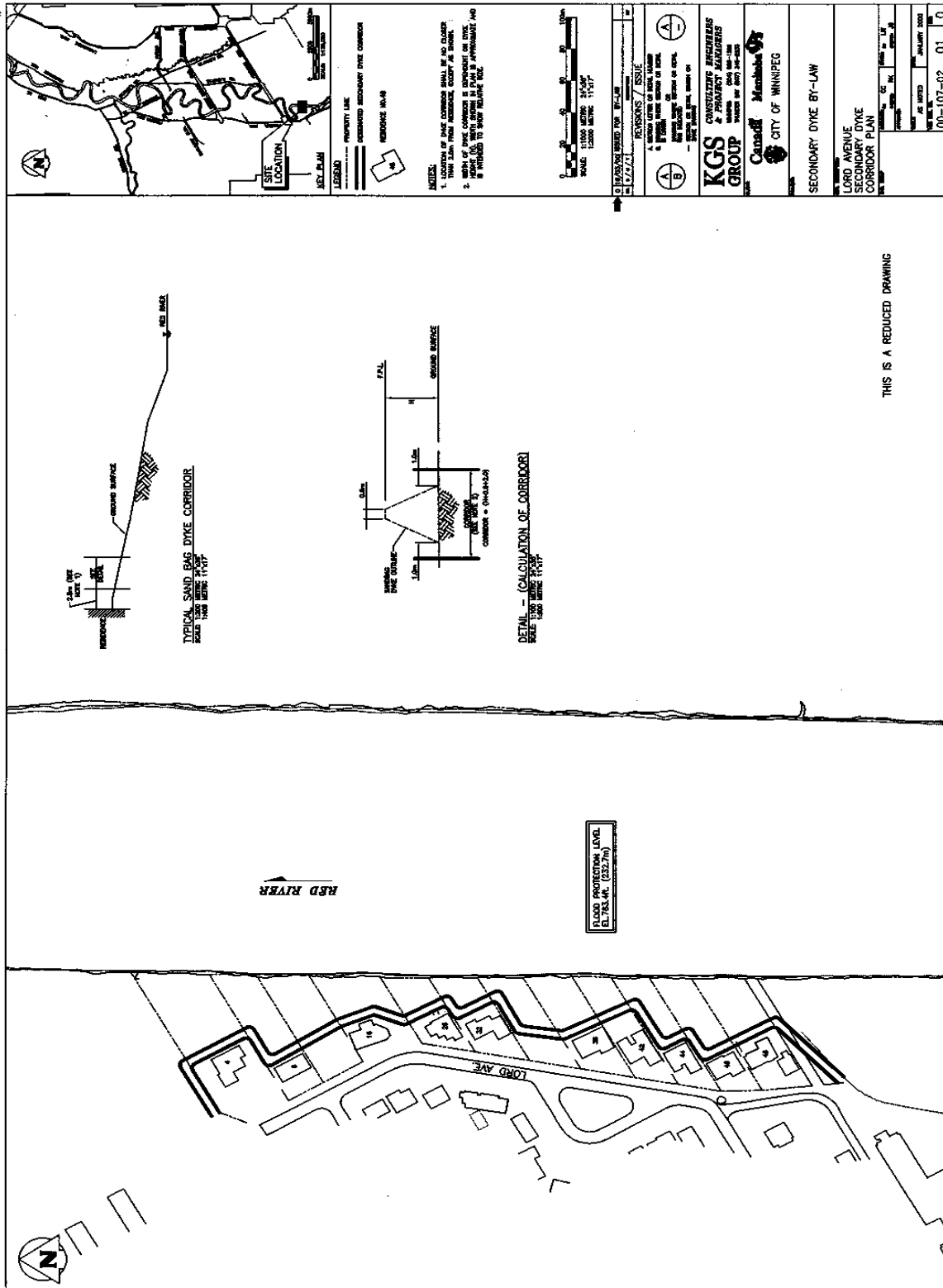
**Schedule "B"**

Schedule "B" to By-law No. 7600/2000 of The City of Winnipeg.

1. Secondary Dyke Corridor Permit - Sections 6 and 7

- |      |             |               |
|------|-------------|---------------|
| (i)  | Permit Fee  | \$63.00 + GST |
| (ii) | Renewal Fee | \$25.00 + GST |





"A-1"

**REVISIONS / ISSUE**

NO.	DATE	DESCRIPTION
1	12/21/11	ISSUE FOR PERMIT

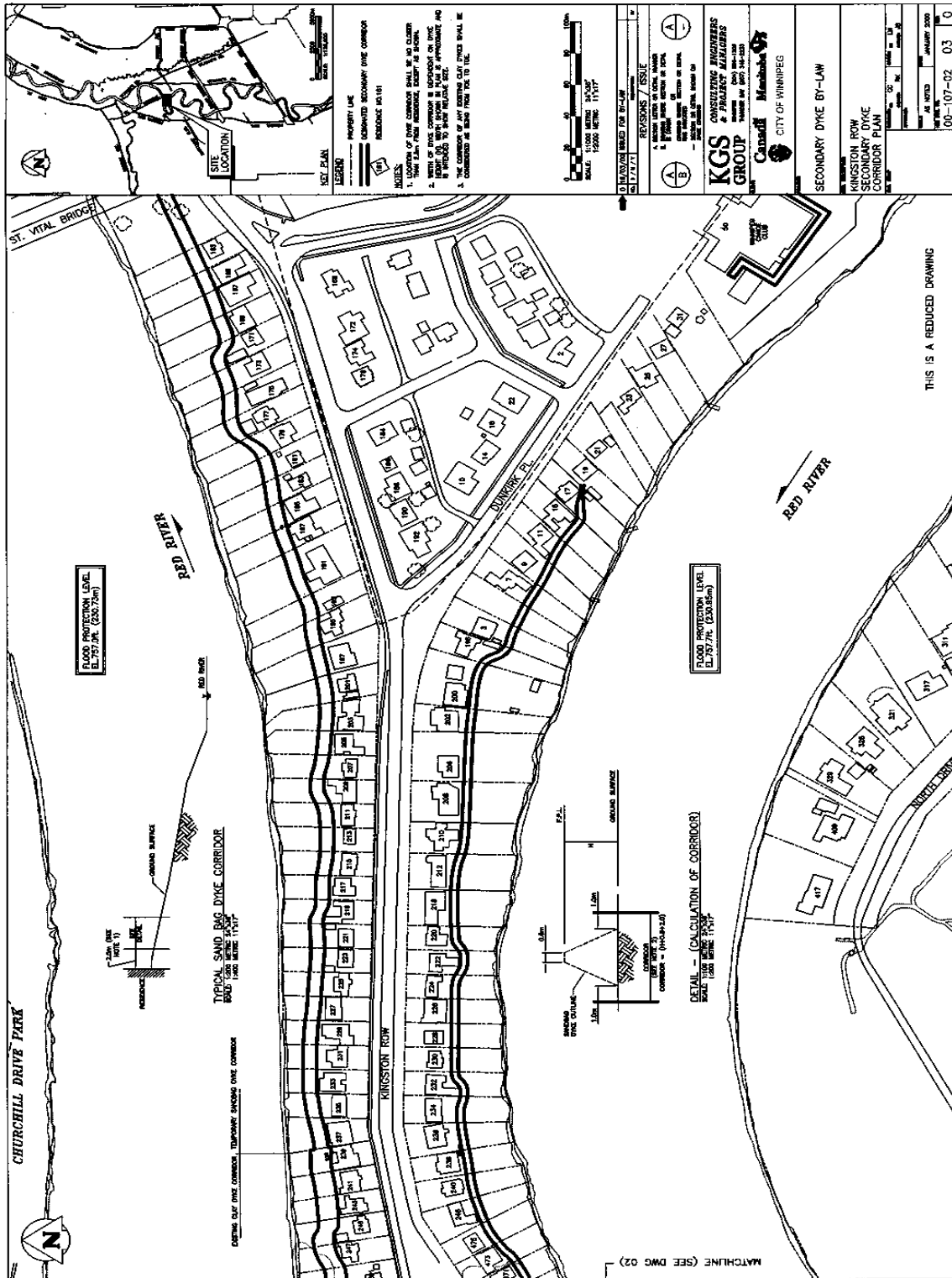
**KGS GROUP**  
CONSULTING ENGINEERS & PLANNING MANAGERS  
1000 BROADVIEW AVE. SUITE 100  
WINNIPEG, MB R2S 0P8  
TEL: (204) 781-1111  
WWW.KSGROUP.COM

**CANADIAN MANITOBA**  
CITY OF WINNIPEG

**SECONDARY DYKE BY-LAW**  
LORD AVENUE  
SECONDARY DYKE  
CORRIDOR PLAN

DATE: 12/21/11  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1:500 (SEE DRAWING 11-117)





THIS IS A REDUCED DRAWING

**LEGEND**

PROPERTY LINE  
CONVENTED SECONDARY DYKE CORRIDOR  
RESIDENCE NO. 161

**NOTES:**

1. LOCATION OF DYKE CORRIDOR SHALL BE AS SHOWN.
2. WIDTH OF DYKE CORRIDOR IS INDICATED ON THIS PLAN BY DIMENSIONS TO CENTERLINE OF CORRIDOR AND TO PROPERTY LINE.
3. THE CORRIDOR OF ANY EXISTING CANAL DYKE SHALL BE CONSIDERED AS BUILT FROM THIS PLAN TO THE CENTERLINE.

**SCALE:**  
1:5000 METRIC  
1:1575 IMPERIAL

**REVISIONS / ISSUE**

NO.	DATE	DESCRIPTION
1	17/7/11	ISSUED FOR PERMIT
2		
3		
4		
5		

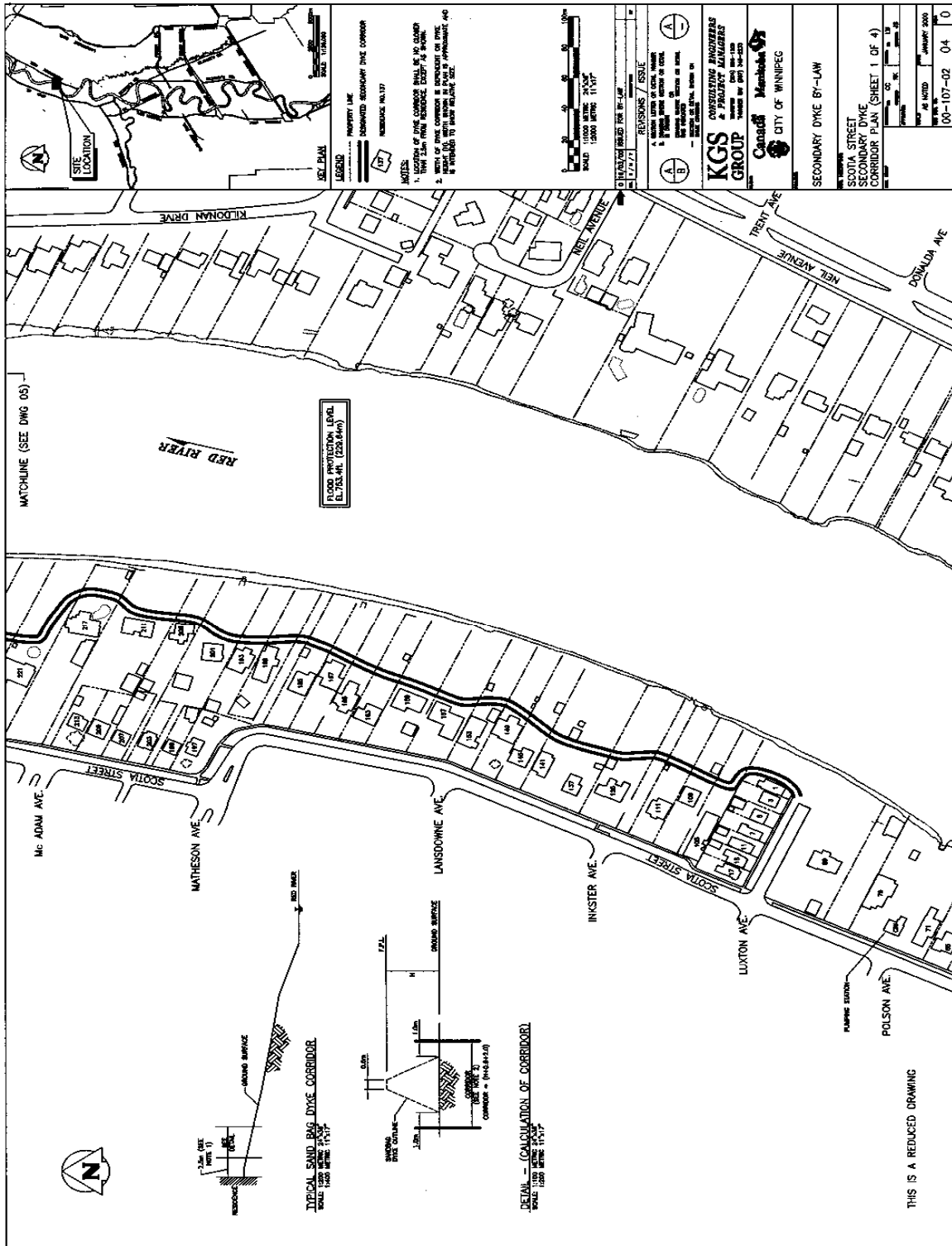
**KGS GROUP**  
CONSULTING ENGINEERS & PROJECT MANAGERS  
1000 BROADVIEW AVENUE, SUITE 100  
WINNIPEG, MB R2M 3K8  
TEL: 204-944-8800  
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**CITY OF WINNIPEG**  
Canada Manitoba

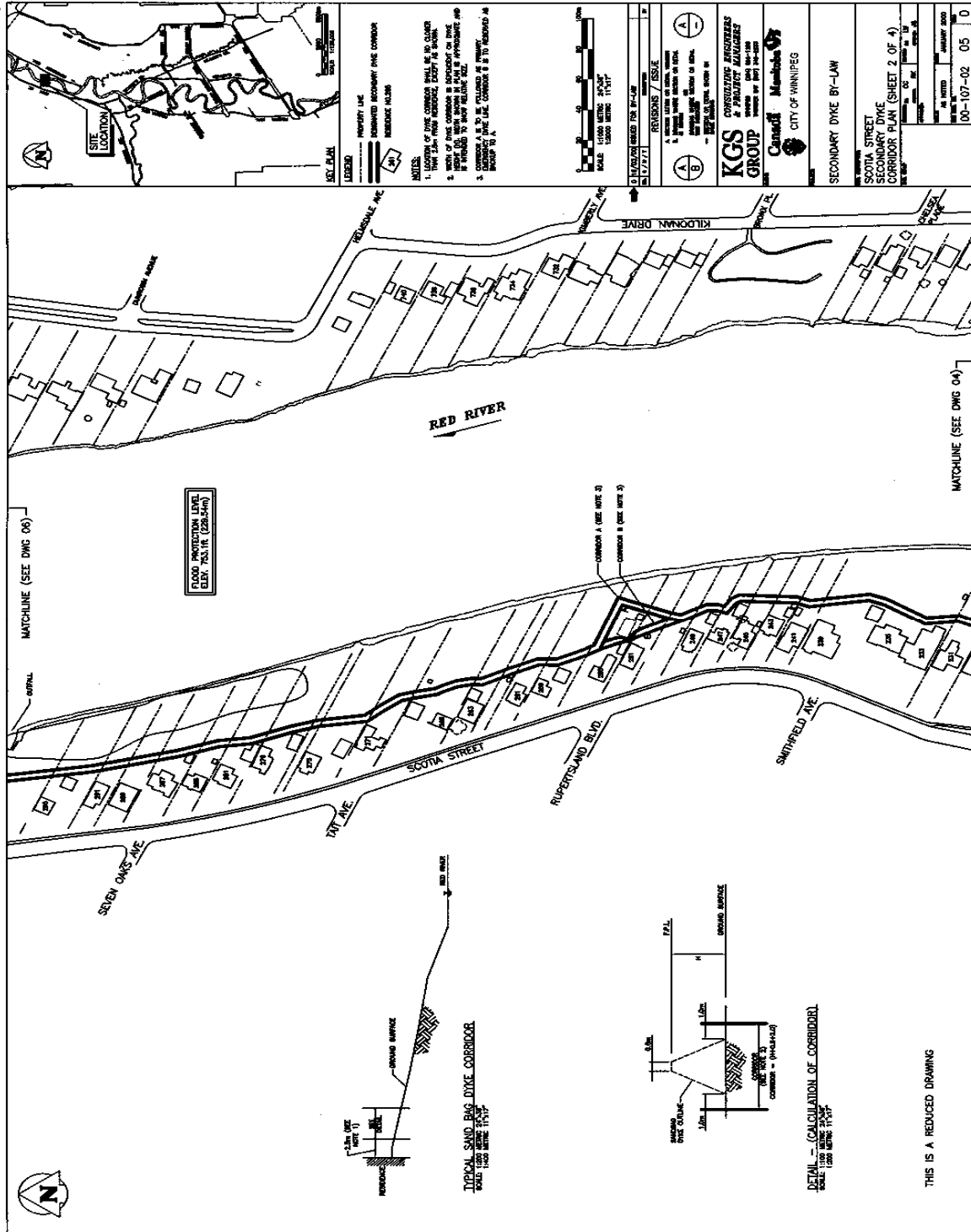
**SECONDARY DYKE BY-LAW**  
KINGSTON ROW  
SECONDARY DYKE  
CORRIDOR PLAN

DATE: 17/7/11  
SCALE: AS SHOWN  
PROJECT NO: 00-107-02-03  
SHEET NO: 0

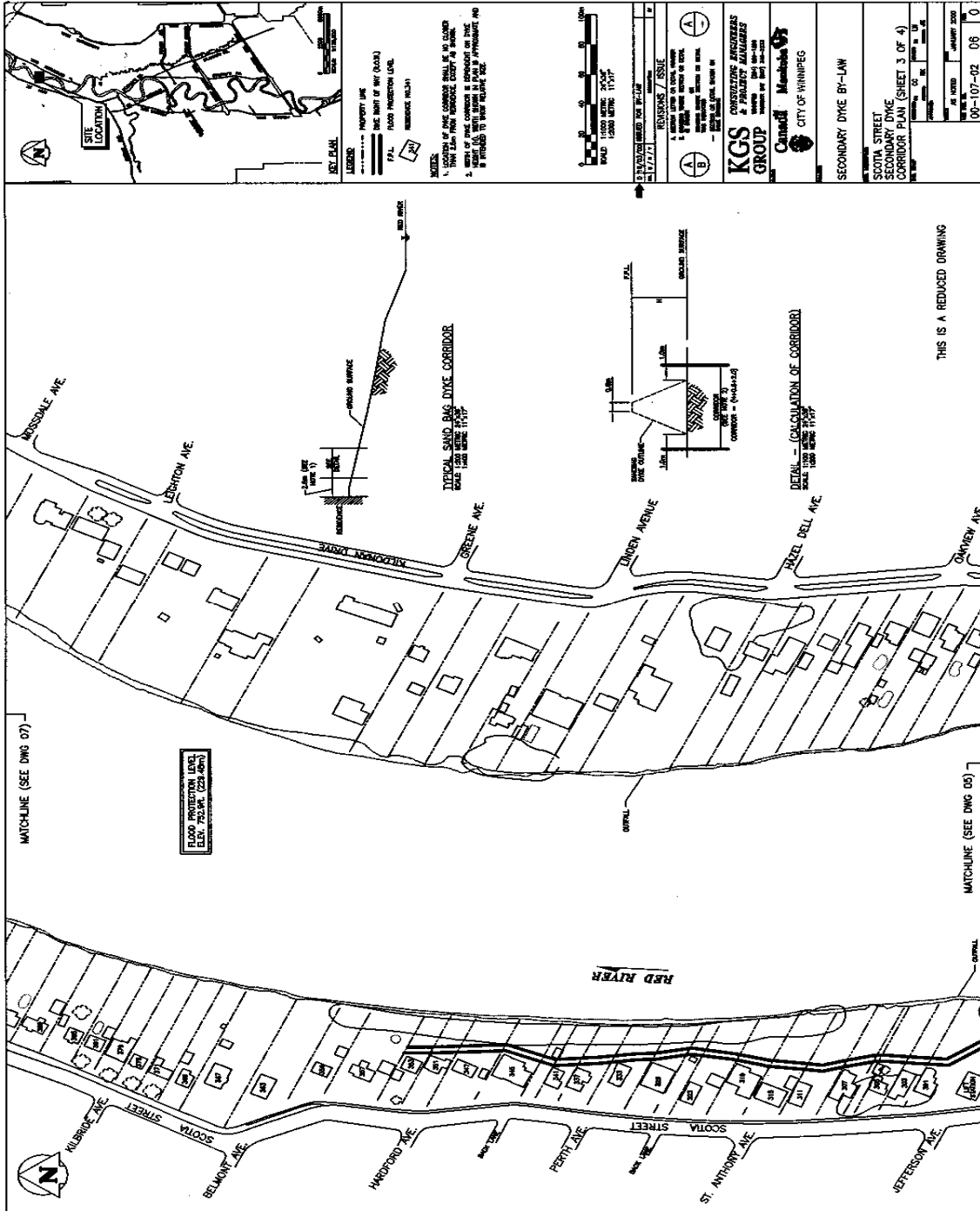
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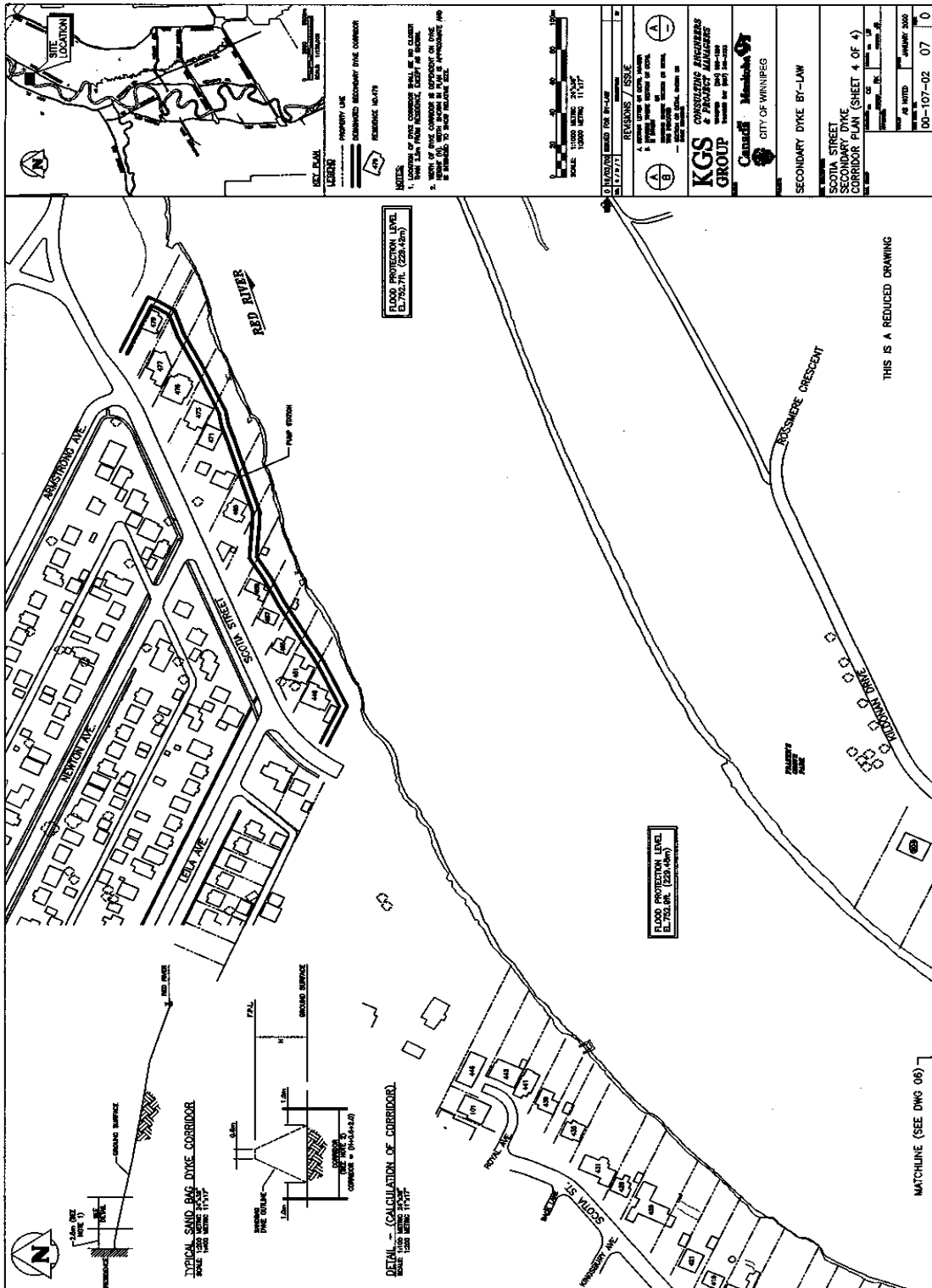
"A.4"



"A, 4"



"A, 4"



"A.4"