

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: JULY 19, 2017

**CITY OF WINNIPEG
STREETS BY-LAW NO. 1481/77**

INDEX

SECTION NO.	SECTION HEADING	PAGE NO.
1	DEFINITIONS.....	4
2	PROHIBITED ACTIVITIES.....	6
2.01	Damaging Structures in Streets	6
2.02	Nuisances and Dangerous Conditions.....	6
2.03	Vehicles not to Deposit Earth, etc.	7
2.04	Use of Lugs.....	7
2.05	Repairs to Vehicles	7
2.06	Washing Vehicles	7
2.07	Abandoned Vehicles.....	7
2.08	Snow and Ice	8
2.09	De-icing Chemicals	8
2.10	Use of Dangerous Missiles.....	8
2.11	Fireworks.....	8
2.12	Coasting (<i>repealed 7656/2000</i>).....	8
2.13	Doors Not to Swing Over Streets	8
2.14	Marking in Streets	8
2.15	Electrical Cords.....	8
2.16	Trees and Shrubs	9
2.17	Shopping Carts.....	9
2.18	Soliciting Business in a Roadway	10
2.19	Sitting or Lying Down on Sidewalks in the Downtown and Neighbourhood Commercial Zones.....	10

SECTION NO.	SECTION HEADING	PAGE NO.
3	LICENCES	11
3.01	Licence Requirement	11
3.02	Licencee to be Qualified	11
3.03	Licence Fee	11
3.04	Expiration of Licence.....	11
3.05	Liability Insurance	12
3.06	Director May Rescind Licence	12
4	ACTIVITIES FOR WHICH PERMIT REQUIRED	12
4.01	Vehicles and Horses.....	12
4.02	Removal of Earth.....	12
4.03	Bonfires	12
4.04	Signs and Banners.....	12
4.05	Concrete Mixing Machines.....	13
4.06	Construction Cranes.....	13
4.07	Storage or Use of Equipment, Materials	13
4.08	Erection of Hoardings, Covered Ways, etc.	14
4.09	Responsibilities of Permit Holder.....	14
4.10	Permit Renewal and Extension	15
4.11	Moving of Buildings and Other Large Objects	15
4.11.03	General Conditions	16
4.12	Excavations.....	16
4.12.01	Permit Requirements	16
4.12.02	Restoration of Street.....	17
4.13	Work Site Protection	19
5	DAMAGE DEPOSIT.....	21
6	LIABILITY INSURANCE	21
7	POWERS OF THE DIRECTOR.....	21
7.01	Restrict Use of, Closing, and Barricading Streets.....	21
7.02	Remedial Action	22

SECTION NO.	SECTION HEADING	PAGE NO.
7.03	Cancellation of Permits	22
	Authority to Deny Permit <i>(repealed 5381/90)</i>	22
7.04	Interference with Officials <i>(amended 5381/90)</i>	22
7.1	Appeals.....	22
7.2	Service of Documents	23
8	GENERAL PENALTIES	23
8.01	General.....	23
8.02	Liability of Owners to Conviction.....	23
9	REVISION TO SCHEDULES.....	24
10	REPEAL OF EXISTING BY-LAWS	24
Schedule A	<i>(repealed 25/2007)</i>	
Schedule B	<i>(repealed 25/2007)</i>	
Schedule C	<i>(repealed 25/2007)</i>	
Schedule D	<i>(repealed 4416/86)</i>	
Schedule E	List of Streets on Which Work is Prohibited between the hours of 07:00 and 09:00 and between 15:30 and 17:30	26
Schedule F	<i>(repealed 64/2003)</i>	
Schedule G	Mounting of Flags, Banners and Devices on Utility Poles	32

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

CONSOLIDATION UPDATE: JULY 19, 2017

THE CITY OF WINNIPEG

STREETS BY-LAW
NO. 1481/77

A By-law of THE CITY OF WINNIPEG to regulate the use of streets in the City of Winnipeg.

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

This By-law may be referred to as the "**Streets By-law**".

Unless otherwise expressly provided, or unless the context otherwise requires, the words and expressions in this by-law have the same meaning as the same words and expressions in *The Highway Traffic Act* of the Province of Manitoba.

DEFINITIONS

amended 1/2011

1. In this By-law

"Abandoned vehicle"

repealed 86/2016

"boulevard" *repealed 8162/2002*

"City" *repealed 8162/2002*

"City Solicitor", "Chief Financial Officer" etc., means the respective holders of such offices in The City of Winnipeg or any person duly appointed to act in their stead;
amended 8162/2002

"Council" *repealed 8162/2002*

"designated employee" means an employee of the City of Winnipeg to whom the Director has delegated authority to administer or enforce all or part of this By-law;
added 62/2010

"Director" means the Director of Public Works and any person to whom the Director has delegated authority given to the Director under this By-law;
added 8162/2002, amended 62/2010

"Garage Sale" means the display and sale of a collection of used goods from residential premises;
added 3996/85

"Graded" when used to describe a roadway means a roadway that has been constructed having an earth or granular surface, which may or may not be treated with a dust palliative;

"Highway" *repealed 8162/2002*

"Horse" includes any animal used for the purpose of transportation of people, goods or materials;

"Manual of Temporary Traffic Control" means the Manual of Temporary Traffic Control in Work Areas on City Streets approved by Council from time to time and, unless otherwise specified, refers to the most recent edition;
added 62/2010

"Owner" means a person in whose name a subject property or vehicle is registered;

"Pavement" or the adjective "Paved" when used to describe a street, road, alley, sidewalk, or other area, refers to an area which has a surface constructed of Portland Cement concrete, asphaltic concrete, brick, tile or similar material;

"Person" *repealed 8162/2002*

"Street" *repealed 8162/2002*

"Standard Construction Specifications" means the City of Winnipeg Standard Construction Specifications issued by the Director from time to time;
added 62/2010

"street" means any place or way, including any structure forming part thereof, which or any part of which has been dedicated as a roadway, lane, avenue, footpath, walkway, road or highway pursuant to *The Real Property Act* or which the public is ordinarily entitled to use for passage, with or without fee or charge therefor, and includes all the space between the boundary lines thereof;
added 62/2010

"street cut" means any cut, break, tear or excavation in a street surface or the removal of any part of a street surface;
added 62/2010

"Street Cuts Manual" means the Streets Cuts Manual issued by the Director under clause 4.12.02(1) of this By-law and, unless otherwise specified, refers to the edition of the Manual posted on the City of Winnipeg website at the relevant time;

added 62/2010

"Structure" in the public street means any manufactured or constructed thing legally erected, constructed or installed on, over or under the ground surface within the right-of-way of the street and, without affecting the generality of the above, shall include such things as roadways and sidewalks, utility housings, buried wires and cables, utility poles, utility duct lines, sewers, watermains, and as well, the appurtenant fixtures thereof, parking meters and posts, fences, chutes, areaways, etc.;

"Tree" includes trees, shrubs, and other decorative plants such as flowers;

"Underground Structures Committee" means a Committee made up of seven representatives of City departments, one each from Manitoba Hydro, Manitoba Telephone System and Greater Winnipeg Gas Company whose purpose is to maintain records of Utility installations in the street, approve utility locations in the street and to coordinate the use of the streets for utility installations;

"Utility" means any corporation, company, city department, or other legal entity established for the purpose of and engaged in the supplying of a service to the Community-at-large through the distribution or collection of electrical energy, steam, gas, water, sewage refuse, or the supply of communications, and signal services;

"Vehicle" includes an automobile, motorcycle, bicycle, traction engine, truck, tractor, trailer, snowmobile, go-cart and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include vehicles running only upon rails, lawnmowers, shopping carts; or sleighs, wagons, or carriages, etc., intended primarily for children's play or transportation;

PROHIBITED ACTIVITIES

DAMAGING STRUCTURES IN STREETS

- 2.01. (a) No person shall wilfully or intentionally damage any structure in a street.
- (b) No person other than a duly authorized employee or agent of the owner of the structure shall climb, break, cut, wilfully destroy, tear down or interfere with a utility housing, or any light, power, telegraph, telephone, police or fire alarm or signal pole or tower or any other pole, tower, wire or cable or any guy wire or other support or accessory thereto.

NUISANCES AND DANGEROUS CONDITIONS

- 2.02.01 Subject to subsection 2.02.02 and subsection 4.01.01, no person shall:
- (a) throw, pile, deposit or leave any articles, merchandise, water or material of any kind on a street;

- (b) carry out or permit any action causing or resulting in the creation of a nuisance in a street;
- (c) carry out or permit any action causing or resulting in the creation of a dangerous condition in a street.
amended 62/2010

2.02.02 Subsection 2.02.01 does not apply to the reasonable portion of a street for a reasonable time during the pick up or delivery of goods, wares or merchandise or if solid waste picked up under the Solid Waste By-law.
amended 62/2010

VEHICLES NOT TO DEPOSIT EARTH, ETC.

- 2.03 Without the permission of the Director, the driver of a vehicle must not allow or cause:
- (a) earth, stone, refuse, garbage or other solid waste, or any other substance to fall, spill or be deposited from the vehicle onto a street;
or
 - (b) mud, clay or other material to be deposited from the wheels of the vehicle on a street.
amended 62/2010

USE OF LUGS

2.04. No person shall operate on a street any vehicle having on the wheel or treads thereof, any metal lugs, cleats, shoes, grouser shoes or like devices, unless permission to do so has been obtained from the Director except that studded tires and tire chains may be used in accordance with the provisions of *The Highway Traffic Act* of the Province of Manitoba.

REPAIRS TO VEHICLES

2.05. *repealed 86/2016*

WASHING VEHICLES

2.06. *repealed 86/2016*

ABANDONED VEHICLES

2.07.01 *repealed 86/2016*

2.07.02 *repealed 86/2016*

2.07.03 *repealed 86/2016*

2.07.04 *repealed 86/2016*

SNOW AND ICE

2.08. No person shall move snow or ice from private property onto a street.

DE-ICING CHEMICALS

- 2.09. No person other than an employee or agent of the City in the course of his duties shall sprinkle, spread or place a de-icing chemical of any kind in a street.

USE OF DANGEROUS MISSILES

- 2.10. No person shall cast, project or throw stones, snowballs, ice or other missiles dangerous to the public, in, or onto a street.

FIREWORKS

- 2.11. No person shall explode any firecracker or ignite any display of fireworks in a street without the permission of the Director.

COASTING

- 2.12. *repealed 7656/2000*

DOORS NOT TO SWING OVER STREETS

- 2.13.01 Subject to the remainder of this section, unless he or she obtains permission to do so under the Encroachment By-law, no person shall allow the door or gate of any premises or property he owns or occupies to swing over a street.
amended 62/2010; 88/2013

- 2.13.02 The prime contractor for a construction project, as defined in The Workplace Health and Safety Act, must not allow the gate of a fence at the site of the construction project to swing over a street unless he or she ensures that it is closed at all times other than when allowing a vehicle to enter or exit the site.
added 62/2010

- 2.13.03 The door of an enclosure around a garbage container may swing over a street or lane but the owner or occupant of property on which the enclosure is located must ensure that the door is closed at all times except when the garbage container is being emptied and must also ensure that the door does not obstruct or inhibit vehicular traffic on the street or lane at any time.
added 62/2010

MARKING IN STREET

- 2.14. No person may paint, chalk, stencil or mark any advertisement, logo, sign or writing of any kind on the sidewalk, roadway or any structure in a street unless he or she has been given permission to do so by the Director.
amended 62/2010

ELECTRICAL CORDS

- 2.15. No person other than a Utility shall place or leave on or across any part of a City street, an unattended wire, cord or cable, that is capable of transmitting electrical

energy from public or private property to or across a City street.

amended 3298/82

TREES AND SHRUBS

- 2.16. No owner or occupier of any land shall allow any part of a tree, shrub or sapling growing thereon to extend over or upon any street, or public place so as to interfere with, impede or endanger persons using such street or public place. When deemed necessary for the convenient and safe use of a street, the Director of Environment may, after notice cause any tree, sapling or shrub growing or planted on any adjoining land to be trimmed within the street and the cost as certified by the Director of Environment may be charged to the owner of the property on which the tree, sapling or shrub is growing. No person other than an employee or agent of the City shall climb, break, bark, peel, cut, trim, injure any tree, sapling or shrub in a street. No person shall plant or remove any tree in a street without having first obtained permission from the Director of Environment.

amended 3789/84

SHOPPING CARTS

- 2.17.01. In this part the phrase "shopping cart" means a four-wheeled or other vehicle belonging to the owner or proprietor of a retail grocery store or other store and kept by such owner for the use of its customers but does not include a two-wheeled shopping cart or wheeled basket or other shopping cart which belongs to the customer and not to the owner or proprietor of a retail grocery store or other store.

added 4239/86

- 2.17.02. No person shall move, and no proprietor shall permit to be moved, a shopping cart(s) from any store or from a parking area operated in connection therewith onto a street or any portion thereof.

added 4239/86

- 2.17.03. Every owner or proprietor of a retail grocery store or other store where shopping carts are provided for the use of the customers shall cause the name of the owner or proprietor to be painted, printed or stamped on each shopping cart provided for use in that store or attached thereto by a plate or similar device.

added 4239/86

- 2.17.04. Where a shopping cart has been abandoned on a street, a police officer or an employee of the City may take possession of the shopping cart and cause it to be impounded by the City in such place as the Director may designate for that purpose.

added 4239/86

- 2.17.05. Where a shopping cart has been impounded by the City, the person in charge of the place where the shopping cart is impounded may advise its owner of its location.

added 4239/86

- 2.17.06. Forthwith upon ascertaining or being advised that a shopping cart belonging to him is impounded by the City the owner of the shopping cart shall:

(a) pay an impoundment fee of twenty-five (\$25.00) dollars or such

other fee as established by Council from time to time to the City for the cost of removing and impounding the shopping cart;
amended 4784/88; 25/2007

- (b) furnish the person in charge of the place where the shopping cart is impounded with adequate proof of ownership of the shopping cart;
- (c) remove the shopping cart forthwith.
added 4239/86

2.17.07. The City may dispose of any unclaimed shopping carts by sale, auction, shredding, or by any other means determined by the Director.

added 4784/88

SOLICITING BUSINESS IN A ROADWAY

2.18. No person shall enter a roadway or occupy a roadway for the purpose of offering the occupant or occupants of vehicles any goods or service, nor shall a person provide any goods or service in a roadway to the occupant or occupants of vehicles in the roadway, provided however, that this Section shall not be construed to render it unlawful for a person to enter a roadway to render assistance where such assistance is deemed necessary due to accident or breakdown.

added 7204/98

SITTING OR LYING DOWN ON SIDEWALKS IN THE DOWNTOWN AND NEIGHBOURHOOD COMMERCIAL ZONES

2.19. (1) No person shall, during the period 10:00 hours to 22:00 hours of any day, sit or lie upon a sidewalk, or upon a blanket, chair, stool or any other object placed upon the sidewalk, where the sidewalk:

- (a) is located in the Downtown Zone, defined as the area within the geographical boundaries of the Downtown Business Improvement Zone and the Exchange District Business Improvement Zone as set out in City of Winnipeg By-laws Nos. 5080/89 and 5081/89, respectively; or
- (b) abuts or is adjacent to lands and premises in commercial areas zoned C1-5 under City of Winnipeg By-law No. 6400/94.

(2) The prohibition set out in subsection (1) shall not apply to any person:

- (a) sitting or lying down on a sidewalk due to a medical emergency;
- (b) who, as a result of a disability, utilizes a wheelchair or similar device to move about the sidewalk;
- (c) operating or patronizing a commercial establishment conducted on a sidewalk pursuant to a permit or lease agreement;

- (d) participating in or attending a parade, festival, performance, rally demonstration, meeting or similar event conducted on the roadway or sidewalk pursuant to permit; or
- (e) sitting on a sidewalk or on a bench provided for that purpose at a bus stop while awaiting a bus.
added 7219/98

SUBMISSION AND APPROVAL OF DRAWINGS REQUIRED

- 2.20 (1) In addition to obtaining any permit that is required under this By-law, a person must submit drawings to and obtain approval from the designated employee before carrying out any installation, reconstruction, repair, renewal or realignment of a structure in, on, over or under a street.
added 62/2010
- 2.20 (2) The drawings required by subsection (1) must be in a form acceptable to the designated employee, must include any information reasonably required by the designated employee in order to approve the drawings and, except in the case of emergency work, must be submitted to the designated employee at least seven days prior to the work referred to in subsection (1). In the case of emergency work, the drawings referred to in subsection (1) must be submitted as soon as reasonably possible.
added 62/2010
- 2.20 (3) Where the work referred to in subsection (1) results in changes of alignment or grade or when required by the designated employee to do so, the person carrying out the work must submit "as built" drawings to the designated employee within 60 days after the work has been completed.
added 62/2010

LICENSES

LICENCE REQUIRED FOR WORK ON STREET

- 3.01 Unless a person holds a subsisting and applicable licence issued under this section or issued under the Private Access By-law, the Waterworks By-law or the Sewer By-law, or unless authorized by Part 8 (Boulevard Maintenance) of the Neighbourhood Liveability By-law, a person must not do any of the following within or to a street:
- (a) landscaping;
 - (b) excavating, including making street cuts;
 - (c) constructing or repairing streets;
 - (d) constructing road grades or drainage ditches;

- (e) constructing or repairing water pipes, wastewater and storm sewer pipes;
- (f) any other work or repair or construction.
amended 62/2010

LICENCEE TO BE QUALIFIED

- 3.02. No licence shall be issued to any person who, at the time of his application, fails to furnish a certificate of qualification satisfactory to the Director.

LICENCE FEE

- 3.03. No licence shall be issued by the Director until the applicant has paid the required fees as established by Council from time to time. The City's copy of the licence shall be signed by the applicant and will state that he will replace and restore the street to a condition satisfactory to the City, that he will keep barricades by day and barricades and lights by night at the location of all work in progress and maintain the same in good order to the satisfaction of the Director and that he will conform in all respects to the rules, regulations and by-laws of the City and to any applicable statute of the Province of Manitoba pertaining to streets or works done therein.
amended 25/2007

EXPIRATION OF LICENCE

- 3.04. Every licence issued under the provision of this By-law shall remain in force until the first day of January next succeeding the issue thereof or otherwise provided in that licence.

LIABILITY INSURANCE

amended 5297/89

- 3.05. Every person to whom a licence is issued under this By-law shall provide liability insurance in accordance with Part 6.
amended 5297/89

SUSPENSION OF LICENCE

- 3.06.01 The Director may immediately, without prior notice to the licence holder, suspend a licence for up to 30 days if the Director determines that the licence holder
- (a) is engaged in an activity for which a permit is required in a way that poses a significant threat to people, property or the environment; or
 - (b) is not carrying insurance coverage as required by subsection 3.05.
amended 62/2010
- 3.06.02 Within 30 days of suspending a licence, the Director must either reinstate the licence or revoke the licence under section 3.07.

added 62/2010

REVOCATION OF LICENCE

- 3.07.01 Whether the licence holder's licence has been suspended or not, the Director may revoke a licence where
- (a) the licence was issued on the basis of misleading or false information and the licence would not have been issued if the accurate information had been known;
 - (b) the facts on which the decision to issue the licence was based have changed and would not now justify issuing the licence;
 - (c) the licence holder has repeatedly failed to observe conditions imposed on a permit or has failed to comply with this by-law or other applicable laws, by-laws, codes and regulations;
 - (d) after being suspended for up to 30 days for not carrying insurance coverage, the licence holder is still not carrying insurance coverage as required by section 3.05.
- 3.07.02 The Director must not revoke a licence unless the licence holder has been notified that a revocation is being considered and has been given a reasonable opportunity to be heard concerning the revocation.
- 3.07.03 In revoking a licence, the Director must specify a date after which the licence holder is permitted to re-apply for a licence.
added 62/2010

ACTIVITIES FOR WHICH PERMIT REQUIRED

USE OF STREET PERMITS

- 4.01.01 A person must not engage in any of the following in a street unless he or she holds a Use of Street Permit issued by a designated employee which authorizes the activity:
- (a) engaging in an activity, including parking or stopping a vehicle in a street, that obstructs vehicular traffic on a street;
 - (b) engaging in an activity that obstructs pedestrian traffic on a roadway or sidewalk;
 - (c) subject to subsection 4.01.02, engaging in a commercial transaction on a street;
 - (d) depositing or storing equipment, materials, garbage, waste materials

or any other thing on a street;

- (e) engaging in work on or over a street, including operating equipment on or over a street;
- (f) erecting a fence, hoarding or protective cover on or over a roadway or sidewalk;
- (g) erecting or operating a construction crane which extends over a street in any way.

4.01.02 Notwithstanding subsection 4.01.01

- (a) clause 4.01.01(c) does not apply to a mobile vendor who is operating a mobile food unit parked or located on a street under the authority of a Mobile Vendor's Parking Permit issued under the Winnipeg Parking By-law; *amended 56/2014; 42/2015; 86/2016*
- (b) clauses 4.01.01(a), (b) and (c) do not apply to an individual participating in an event for which a parade permit has been issued under the Traffic By-law. *added 56/2014*

4.01.03 A designated employee may issue Use of Street Permits for particular times and places or may issue Use of Street Permits for unlimited locations within the City over a period of time not exceeding one year.

4.01.04 A vehicle that is parked or stopped in a portion of a street covered by a Use of Street Permit in order to engage in an activity authorized by the Use of Street Permit is not in contravention of the provisions of a City by-law that would otherwise prohibit it from being parked or stopped. However, unless the Use of Street Permit specifically provides for an exemption from section 14 (paid parking) of the Winnipeg Parking By-law, the vehicle must still comply with that section. *amended 86/2016*

4.01.05 Except for items installed by or on behalf of the City of Winnipeg, a person must not install temporary or seasonal street furniture, including bicycle racks, public art installations, benches, vending machines, garbage or recycling bins or other street furniture without a Use of Street Permit authorizing the installation of the street furniture. *amended 62/2010*

4.01.06 A designated employee may issue a Use of Street Permit to a mobile vendor, authorizing the vendor to conduct business on a boulevard or sidewalk. A vendor operating out of a motor vehicle or a trailer that is parked on a roadway or shoulder is not eligible for such a permit. *added 42/2015*

4.01.07 In addition to conducting business only in compliance with a Use of Street Permit which authorizes it, a mobile vendor must not conduct business:

- (a) on a roadway or with a person who is on a roadway;
- (b) on a street where the posted speed limit for vehicular traffic exceeds 60 kilometres per hour or within 20 metres of such a street;
- (c) in a manner that obstructs or causes a danger to or from pedestrian or vehicular traffic;
- (d) within 5 metres of an intersection or crosswalk;
- (e) within 3 metres of the public entrance to a building;
- (f) within 20 metres of a bus stop;
- (g) within 20 metres of the vehicular or pedestrian entrance to a park;
- (h) if the mobile vendor is selling food, within 20 metres of a restaurant, grocery store or other food service establishment that is located in a building.
added 42/2015 (entire section 4.01.07))

EXCLUSIVE USE OF STREET

- 4.02.01 A designated employee may issue a Use of Street Permit granting a person the exclusive right to use all or part of a street for a period of time specified in the permit. Such a permit prohibits any other person from using that portion of the street for the period of time specified in the permit.
- 4.02.02 A permit under clause 4.02.01 may grant the permit holder the right to park or stop a vehicle in curb lanes
- (a) in areas and at times where parking and stopping are not otherwise permitted; and
 - (b) for periods of time in excess of the time limits posted on traffic control devices.
- 4.02.03 Unless it is done pursuant to the authority delegated to the Chief Administrative Officer to approve sponsorship agreements which allow for exclusive rights to engage in commercial transactions, a designated employee may not issue a permit giving a person the exclusive right to use all or part of a street under 4.02.01 for the purposes of engaging in commercial transactions.
amended 62/2010, 80/2012

FEES FOR USE OF STREET PERMITS

- 4.03.01 Subject to 4.03.02, Council may establish permit fees for Use of Street Permits issued under this section, which must be paid before a permit is issued.

- 4.03.02 No fee is payable when a Use of Street Permit is issued authorizing the use of a street for film production.
amended 62/2010

RENTAL FEES FOR USE OF STREETS

- 4.04 In addition to a permit fee and an administration fee, a Use of Street Permit issued under this section is conditional upon the payment of fees established by Council for the rental or use of the street or portion of the street authorized in the permit, which fees may be based on:
- (a) the size of the area of the street being used;
 - (b) the length of time the area of the street is being used;
 - (c) the part of the street being used; and
 - (d) other factors determined by Council.
amended 62/2010

AUTHORITY TO ISSUE USE OF STREET PERMITS

- 4.05.01 A designated employee may issue a Use of Street Permit for a period of up to 12 months if he or she has reason to believe that the proposed activity or use of the street will be conducted in a way which
- (a) will not create an undue hazard to people or property;
 - (b) will not unduly disrupt or interfere with vehicular or pedestrian traffic;
 - (c) will not unduly disrupt or interfere with police, fire, paramedic or other emergency services;
 - (d) will not result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will rectify any harm or damage or will provide appropriate compensation for the harm or damage;
 - (e) will comply with this By-law and other applicable laws, by-laws, codes and regulations.
- 4.05.02 A designated employee must refuse to issue a Use of Street Permit where he or she reasonably concludes that the proposed activity or use of street cannot be conducted in compliance with clauses 4.05.1(a) to (e), even with appropriate conditions imposed upon the permit pursuant to section 4.06.
- 4.05.03 A designated employee may renew a Use of Street Permit for a specified period of

time if the permit holder pays the renewal fee established pursuant to this By-law. The provisions of this Part apply to the decision to issue the renewal and the terms and conditions of a renewal as if it were an initial permit.

- 4.05.04 A designated employee may refuse to issue or renew a Use of Street Permit where an applicant or permit holder is in arrears for fees or charges imposed pursuant to this By-law.
amended 62/2010

CONDITIONS ON USE OF STREET PERMITS

- 4.06.01 A designated employee may impose reasonable conditions upon a Use of Street Permit in order to
- (a) prevent, reduce, mitigate or compensate for any potential harm or damage to people, property or the environment, including harm to the City of Winnipeg or damage to its property;
 - (b) prevent or minimize any disruption or interference with vehicular or pedestrian traffic caused by the permitted activity;
 - (c) ensure that the activity will not result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will rectify any harm or damage or will provide appropriate compensation for the harm or damage;
 - (d) ensure that the permitted activity will comply with this By-law and other applicable laws, by-laws, codes and regulations;
 - (e) reduce the impact of the permitted activity on businesses or residents in the area; or
 - (f) facilitate the administration of the permit.
- 4.06.02 Without limiting the generality of subsection 4.06.01, a designated employee may require as a condition of a Use of Street Permit, that the applicant
- (a) provide proof of insurance naming the City as an additional insured party in any amount sufficient to compensate the City of Winnipeg or any other person for harm or damage suffered as a result of the permitted activity;
 - (b) provide a deposit of monies, bond, letter of credit or other surety sufficient to compensate the City of Winnipeg for harm or damage suffered as a result of the permitted activity;
 - (c) agree, in a form satisfactory to the City Solicitor, to indemnify the City of Winnipeg and save it harmless from any harm or damage

suffered as a result of the permitted activity;

- (d) conduct the activity in a particular manner, at specified locations and at specified times;
- (e) utilize certain persons or categories of persons to carry out specified aspects of the activity;
- (f) provide details of plans for the activity before the permit becomes effective;
- (g) provide evidence of compliance with applicable laws, by-laws, codes and regulations and/or with conditions imposed upon the permit;
- (h) complete the activity by a specified date or within a specified period of time;
- (i) obtain approval of corporations responsible for utilities that might be affected by the activity prior to the initiation of the activity;
- (j) construct hoardings or other protective structures; or
- (k) ensure that the site of the activity is maintained during the activity and leave upon completion of the activity in a clean and safe condition.

4.06.03 A permit holder who violates a condition imposed on a Use of Street Permit or who permits a condition to be violated is in violation of this By-law and is subject to a fine set out in Schedule H.
amended 62/2010

SUSPENSION OF USE OF STREET PERMIT

- 4.07.01 The Director may immediately, without prior notice to the permit holder, suspend a Use of Street Permit for up to 30 days if the Director concludes that allowing the activity authorized by the permit to proceed or to continue would or be likely to
- (a) create an undue hazard to people or property;
 - (b) unduly disrupt or interfere with vehicular or pedestrian traffic;
 - (c) result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will not rectify any harm or damage and will not provide appropriate compensation for the harm or damage; or
 - (d) not comply with this By-law and other applicable laws, by-laws, codes and regulations; or

- 4.07.02 Within 30 days of suspending a permit, the Director must either reinstate the Use of Street Permit or revoke the permit under section 4.08.
amended 6/2/2010

REVOCATION OF USE OF STREET PERMIT

- 4.08.01 Whether the Use of Street Permit has been suspended or not, the Director may revoke a permit where
- (a) misleading or false information was provided upon which the decision to issue the permit was based;
 - (b) the facts given on which the decision to issue the permit was based have changed and would not now justify issuing the permit;
 - (c) the Director concludes that, if the activity authorized by the permit were to proceed, it would or would be likely to
 - (i) create an undue hazard to people or property;
 - (ii) unduly disrupt or interfere with vehicular or pedestrian traffic;
 - (iii) result in harm or damage to the street or structures on the street or to private property or, where it is likely to result in harm or damage, the applicant will not rectify any harm or damage and will not provide appropriate compensation for the harm or damage; or
 - (iv) not comply with this By-law and other applicable laws, by-laws, codes and regulations; or
 - (d) a permit holder has failed to observe a condition imposed on a permit or has failed to comply with this and other applicable laws, by-laws, codes and regulations;
- 4.08.02 The Director must not revoke a permit unless the permit holder has been notified that a revocation is being considered and has been given a reasonable opportunity to be heard concerning the revocation.
amended 6/2/2010

ADMINISTRATION OF USE OF STREET PERMITS

- 4.09.01 The Director may impose requirements reasonably required to administer the issuance of Use of Street Permits, including requirements concerning:
- (a) the completion and submission of application forms;
 - (b) the provision of information reasonably required in order to consider an application;

(c) reasonable time limitations for the submission of application forms.

4.09.02 Where a fee for a Use of Street Permit has been imposed pursuant to this By-law, the Director must not issue a permit until the fee has been paid.

4.09.03 Where the Director has required, as a condition of issuing a Use of Street Permit, that the applicant provide a deposit under clause 4.06.02(b), the Director:

(a) may use all or some of the deposit to pay the reasonable costs of remedying damage caused by the actions of the permit holder or to compensate the City of Winnipeg for harm or damage caused by or as a result of the permitted activity, or both; and

(b) must refund the deposit or the remainder of the deposit to the applicant as soon as reasonably possible after the activity has been concluded.

amended 62/2010

4.10 *repealed 62/2010*

MOVING OF BUILDINGS AND OTHER LARGE OBJECTS

4.11. No person except a licensed mover, shall move any building, boat, machine or other article in any street within the limits of the City if such buildings, boat, machine or other article while being moved exceeds any of the height, width or weight restrictions set out in *The Highway Traffic Act* of the Province of Manitoba. Every such mover shall annually, before engaging in such occupation, obtain a license from the City pursuant to the City of Winnipeg License By-law No. 260/72.

4.11.01. An applicant for a move permit shall supply the following information:

(a) Present location, proposed route, and final destination of building, boat, machine or other article to be moved.

(b) Weight, length, width and loaded height of the building, boat, machine or other vehicle.

(c) Date, time and duration of proposed move.

4.11.02. No permit shall be issued for the removal of any building until the applicant has:

(a) Satisfied the Director of Finance that the taxes upon the land upon which said building is situated have been paid in full and that the said land has not been sold for taxes, or if so sold, has been redeemed. A tax clearance form must be submitted by the applicant;

(b) Obtained a crossing permit and has made such deposit as may be

required by the Director;

- (c) Made arrangements with each utility for the supply of any services required, and to pay a deposit to the utility concerned for such services and/or for possible damage to the plant or equipment of the utility, as may be required by each utility. A list of the utilities and agencies which the applicant must contact and obtain clearance from will be supplied to the applicant when application is made for a permit;
- (d) Obtained clearance from the City of Winnipeg Police Department (Winnipeg Police Service).

GENERAL CONDITIONS

- 4.11.03. (a) No mover shall anchor any equipment to any structure or tree in a street.
- (b) All moves shall strictly comply with the conditions specified in the permit.
- (c) All necessary removing or cutting of wire necessitated by the moving of any building, boat, machine or other article shall only be done by the duly authorized workmen of the owners of such wires, and it shall be the duty of the utility whose wires are likely to be affected by any such moving upon being duly notified by the licensee as aforesaid, to have competent workmen in attendance during such moving who shall take all necessary precautions to prevent any accidents or injury to the public or any damage other than to the building, boat, machine or other article being moved.

STREET CUT PERMITS

- 4.12.01(1) Subject to this section, a person must not make a street cut unless a Street Cut Permit has been issued by the Director which authorizes the street cut.
- 4.12.01(2) Subsection (1) does not apply to
 - (a) a person who makes a street cut under a subsisting and applicable licence and permit issued under the Private Access By-law; or
 - (b) a person who makes a street cut in a boulevard that is authorized under Part 8 (Boulevard Maintenance) of the Neighbourhood Liveability By-law,
- 4.12.01(3) Except in the case of emergency repair work, the person responsible for making a street cut must make an application for a Street Cut Permit at least 48 hours prior to the actions being initiated. The person responsible for engaging in emergency repair work must obtain a Street Cut Permit as soon as reasonably possible after the work is completed.

4.12.01(4) The Director may require as part of the application any information required to assess the application, including alignment, grade and structural details concerning the proposed street cut.

4.12.01(5) As part of an application, the applicant must pay a Street Cut Permit fee and one or more street cut repair fees established by Council from time to time. A street cut repair fee may be based on the size of the street cut or on the size of the street surface that, in the reasonable opinion of a designated employee, may be damaged or undermined by the street cut.

If the size of the area requiring restoration following the work is larger than the size estimated by a designated employee when the street cut permit was issued, an additional permit must be obtained by the permit holder, who must pay any fees established by Council with respect to the additional permit.

amended 156/2011

4.12.01(6) In addition to any other conditions imposed on a permit by the Director, the following conditions are imposed on all Street Cut Permits:

(a) the permit holder must notify the Director at least 24 hours before backfilling of the street cut begins;

(b) the permit holder must ensure that trees or structures within the street or under the street are not damaged as a result of the work authorized by the permit

4.12.01(7) A Street Cut Permit lapses 60 days after being issued unless the permit holder has initiated the street cut within that time.

COMPLIANCE WITH STREET CUTS MANUAL REQUIRED

4.12.02(1) The Director is authorized to issue from time to time and to post on the City of Winnipeg website a Street Cuts Manual which sets out the requirements and rules for street cuts and restoration of street cuts in City streets. The Director is authorized to require in the Street Cuts Manual that different categories of streets be restored differently and that specified types of restoration may only be carried out by restoration contractors licensed under subsection 4.12.06 or by employees of the City of Winnipeg.

4.12.02(2) If required by the Street Cuts Manual, the person who has made a street cut in a portion of a street must ensure that the street surface is restored in compliance with the Street Cuts Manual.

TEMPORARY RESTORATION

4.12.03 Where the Street Cuts Manual authorizes restoration to be done in stages, the person who has carried out the street cut must ensure that the temporary restoration of the street surface is maintained at all times in a condition that is safe

for the use to which that portion of the street is reasonably expected to be put. This obligation continues until the street surface is fully restored to the satisfaction of the Director.

FULL RESTORATION MAY BE REQUIRED

4.12.04 Notwithstanding any other provision in this section, the Director may at the time of issuing a Street Cut Permit direct a permit holder to carry out the full restoration of the street surface at locations where the permit holder has been authorized to make street cuts. Where a full or partial restoration is carried out by the permit holder to the satisfaction of the Director, the Director may issue a full or partial refund of the Street Cut Permit repair fee.

CALL FOR INSPECTION

4.12.05(1) The person who has carried out the street cut or, where the restoration is being carried out by a restoration contractor licenced under subsection 4.12.06, the licenced restoration contractor, must, at least 24 hours prior to the street cut being resurfaced, ensure that arrangements are made with a designated employee to inspect the restoration.

4.12.05(2) Where restoration of the street cut has been completed without an inspection having been arranged in compliance with subsection (1), the permit holder must, at no cost to the City of Winnipeg, either demonstrate to the satisfaction of a designated employee that the restoration meets the requirements of this By-law, including compliance with the Standard Construction Specifications, or must remove the surface material and re-construct the restoration.

RESTORATION CONTRACTOR'S LICENCE

4.12.06(1) Subject to 4.12.06(2), the Director shall issue an annual Restoration Contractor's Licence to a person who

- (a) pays a fee for a licence in an amount established by Council from time to time;
- (b) provides evidence of a policy of commercial general liability insurance consistent with part 6 of this By-law;
- (c) provides security in a form satisfactory to the Director and in an amount determined by the Director to adequately protect the City from risks associated with the inappropriate or inadequate restoration of street cuts; and
- (d) satisfies the Director that the person has the knowledge and ability to meet the requirements of this By-law and other applicable by-laws, the Standard Construction Specifications, the Street Cuts Manual and the Manual of Temporary Traffic Control.

- 4.12.06(2) For the purposes of issuing Restoration Contractor's Licences, the Director may distinguish between different categories of restoration and, without restricting the generality of the foregoing, may draw a distinction between the restoration of street cuts on regional and non-regional streets.
- 4.12.06(3) The Director may impose conditions upon a Restoration Contractor's Licence.
- 4.12.06(4) A Restoration Contractor's Licence expires on December 31 of the year for which it was issued.
- 4.12.06(5) A licence fee is payable in full notwithstanding that a licence may be issued during the course of a calendar year.

QUALIFICATIONS FOR RESTORATION CONTRACTOR'S LICENCE

- 4.12.07 Without limiting the generality of clause 4.12.06(1)(d), in determining whether an applicant for a licence is able to meet the requirements of this By-law and other applicable by-laws, the Standard Construction Specifications, the Street Cuts Manual and the requirements of the Manual of Temporary Traffic Control, the Director may:
- (a) require that the applicant or, if appropriate, an employee of the applicant complete a written or verbal examination;
 - (b) rely on observations and reports of the applicant's past work;
 - (c) issue a probationary licence to the applicant, and subject the work of a probationary contractor to a specific inspection regime.

CONSEQUENCES OF NON-COMPLIANCE

- 4.12.08(1) Where a licensed contractor fails to call for an inspection in compliance with subsection 4.12.05, or fails to comply with the Standard Construction Specifications, the Street Cuts Manual or the requirements of the Manual of Temporary Traffic Control, or otherwise fails to comply with this or another By-law, the Director may
- (a) require that the contractor and, if appropriate, the contractor's employees complete a written or verbal examination concerning the contents of:
 - (i) this By-law and other applicable by-laws;
 - (ii) the Standard Construction Specifications;
 - (iii) the Street Cuts Manual; and/or
 - (iv) the Manual of Temporary Traffic Control;
 - (b) substitute the contractor's licence with a probationary licence;

- (c) impose conditions upon the contractor's licence;
- (d) subject the contractor to a specific inspection regime;
- (e) suspend the contractor's licence for a period of less than 12 months;
- (f) revoke the contractor's licence;
- (g) refuse to renew the contractor's licence.

4.12.08(2) Before acting under subsection (1), the Director must give the contractor a reasonable opportunity to be heard.

4.12.08(3) Where the Director has revoked or refused to renew a contractor's licence, the Director must specify a period of time after which the contractor may re-apply for a licence and the period of time may not be greater than 12 months.

4.12.08(4) A contractor's licence is conditional upon the maintenance of a policy of commercial general liability insurance as required by clause 4.12.06(1)(b) and a failure to maintain the policy of insurance renders the licence immediately invalid.

REMEDYING NON-COMPLIANCE

4.12.09(1) Where a street cut that has been restored by a licenced contractor does not comply with this By-law, the conditions imposed on a permit, the Standard Construction Specifications or the Street Cuts Manual, the licenced contractor must bring the street cut into compliance within a reasonable period of time specified by the Director.

4.12.09(2) Where a licenced contractor fails to comply with subsection (1), the Director may bring the street cut into compliance and may utilize all or part of the security provided by the licenced contractor under clause 4.12.06(1)(c) in order to pay the costs of doing so.

4.12.09(3) Where the Director utilizes all or part of a security pursuant to subsection (2), the Restoration Contractor's Licence is suspended until such time as the contractor provides additional security sufficient to meet the requirements of section 4.12.06(1)(c).

4.12.09(4) The Director may retain a security provided by a licenced restoration contractor for a period of up to one year following the expiration of the contractor's licence as a guarantee that work done by the contractor during the period of the licence complies with this By-law.

- 4.12.09(5) The Director must refund the deposit required under subsection 4.12.06(1)(c) or the remainder of the deposit to the applicant as soon as reasonably possible after the activity has been concluded.
amended 62/2010

WORK SITE PROTECTION

- 4.13.01. Every work of excavating in a street shall proceed expeditiously and the permittee shall not allow a street cut excavation to remain open, unless the work is actively in progress.

- 4.13.02. A person who:

- (a) uses a street in a manner referred to in section 4.01 or 4.02 or in any other way takes actions that obstruct or inhibit or are likely to obstruct or inhibit traffic in a street; or
- (b) excavates or creates or exposes a hole within a roadway or sidewalk or creates some other hazard to traffic in a street;

must comply with the *Manual of Temporary Traffic Control*.
amended 8166/2002; 47/2008; 62/2010

- 4.13.03 (1) Subject to subsection (2), a person who contravenes subsection 4.13.02 commits an offence punishable upon summary conviction by a fine referred to in Schedule "H".
- (2) Notwithstanding subsection (1), a person who contravenes subsection 4.13.02 by failing to place and maintain any traffic control devices whatsoever as required by the Manual of Temporary Traffic Control is guilty of an offence punishable upon summary conviction by a fine referred to in Schedule "H".
amended 4416/86; 8166/2002; 47/2008; 62/2010

- 4.13.04. Whenever vehicular or pedestrian traffic is to be maintained through or adjacent to the work area, the following requirements shall be observed:

- (a) Excavations in boulevard, sidewalk or roadway areas - when work is temporarily suspended, all such excavations shall be protected with a covering of structural capacity sufficient to ensure the safe passage of pedestrian traffic.
- (b) Excavation in roadways - when work is temporarily suspended and where vehicular traffic is to be maintained, all such excavations shall be covered by a steel plate or similar device of structural capacity sufficient to ensure the safe passage of vehicular traffic and shall use some positive means of anchorage to prevent lateral displacement of the plate or similar device.

- 4.13.05. Every licence issued under this part of the By-law shall remain in force until the first day of January next succeeding the issue thereof.
- 4.13.06. Every person receiving a licence under this By-law shall submit an indemnity bond in accordance with Part (Section) 6.

CROSSING PERMITS

- 5.01.01 Except at a private approach or unless the Director has issued a Crossing Permit authorizing it, a person must not drive or tow a vehicle across a curb, boulevard or sidewalk.
- 5.01.02 As a condition of issuing a Crossing Permit, the Director may require that the applicant provide a deposit of monies, bond, letter of credit or other surety in an amount sufficient to
- (a) reimburse the City for the costs of repairing possible damage to the street or structures in the street resulting from the crossing; or
 - (b) compensate the City for damage to the street resulting from the crossing that cannot be repaired.
- 5.01.03 The Director may retain the deposit required under subsection 5.01.02 until the activity for which the Crossing Permit is required is complete and an inspection is made of the site to determine the amount of damage or harm, if any, resulting from the crossing.
- 5.01.04 Where
- (a) the person who has provided a deposit under subsection 5.01.02 fails to comply with an order requiring that he or she ensures that the damage resulting from the crossing is repaired by a licenced contractor; or
 - (b) the damage resulting from the crossing cannot be repaired;
- the deposit required under subsection 5.01.02 may be used to repair the damage or to compensate the City, or both.
- 5.01.05 Subject to subsection 5.01.03, the Director must refund the deposit required under subsection 5.01.02 or the remainder of the deposit to the applicant as soon as reasonably possible.
amended 25/2007; 62/2010

DAMAGE DEPOSITS

- 5.02.01 The Director may require that a person who requires a building permit under the City of Winnipeg Building By-law provide a deposit of monies, bond, letter of credit

or other surety in an amount sufficient to

- (a) reimburse the City for the costs of repairing possible damage to the street or structures in the street or to City property resulting from the construction activity; or
- (b) compensate the City for damage to the street or to City property resulting from the construction activity that cannot be repaired.

5.02.02 Where a damage deposit is required under subsection 5.02.01, the person must not engage in construction work until the deposit has been paid.

5.02.03 The Director may retain the damage deposit required under subsection 5.02.01 until all work, including lot grading, has been completed on the construction site.

5.02.04 Where

- (i) the person who has provided a damage deposit under subsection 5.02.01 fails to comply with an order requiring that he or she ensure that the damage to a street or a structure in a street resulting from the construction activity is repaired by a licenced contractor; or
- (ii) damage to a street resulting from the construction activity cannot be repaired;

the damage deposit required under subsection 5.02.01 may be used to repair the damage or to compensate the City, or both.

5.02.05 The Director must refund the deposit required under subsection 5.02.01 or the remainder of the deposit to the applicant as soon as reasonably possible after the activity has been concluded.

amended 25/2007; 62/2010

SOLID WASTE BIN PERMIT

5.03.01 In this subsection, "non-residential" means any building other than a building occupied solely by seven or fewer residential units. It includes a building with no residential units, a mixed-use building, and a building occupied by more than seven residential units.

5.03.02 Notwithstanding the Encroachment By-law, but subject to payment of any fee established by Council, the Director may issue a permit authorizing the owner or occupant of a non-residential building to place and maintain within the street adjacent to or near the building one or more containers for the purposes of solid waste collection. The permit may only be issued with respect to a building that existed on August 1, 2012 and where no reasonable alternative location for the container exists.

5.03.03 The Director may impose reasonable conditions on the permit to accommodate

relevant factors, such as the ability to collect solid waste from the container, the safe and efficient movement of pedestrian and vehicular traffic, access to structures within and under the street, fire prevention and fire fighting, and maintaining or improving the aesthetics of the street. Without limiting this power, these conditions may include a requirement to install or construct a pad under the container, to construct a structure to shield the container or to move the container to the specified location on the street only on days that are scheduled for solid waste collection.

5.03.04 A person who complies with a permit issued under this section is not required to comply with the Encroachment By-law and is not required to obtain a Use of Street Permit, a Street Cut Permit or a Street Crossing Permit.

5.03.05 A permit issued under this section is issued to a particular owner or occupant. A new owner or occupant must obtain a new permit.

added 110/2012 (Solid Waste Bin Permit - section 5.03.01 to 5.03.05 inclusive)

LIABILITY INSURANCE

amended 5297/89

6. Every person to whom a licence is issued under this By-law shall, prior to commencing any work, file with the Director insurance in a form satisfactory to the Corporate Risk Manager naming the City as an insured party, containing a cross-liability clause, and indemnifying and saving harmless the City from and against all accidents, suits and damages of whatsoever nature consequent thereupon for or by reason of any work performed under a licence or related to or for any other purpose or object whatsoever in an amount covering personal injury and property damage and with a deductible that, in the opinion of the Corporate Risk Manager, is sufficient to adequately protect the City of Winnipeg from risk.

amended 5297/89; 8162/2002; 62/2010

POWERS OF THE DIRECTOR

RESTRICT USE OF, CLOSING, AND BARRICADING STREETS

7.01. (a) The Director may close a street to public traffic or restrict the use of the street when the same is being repaired, paved, or work is being carried on or to prevent damage to the street or for any other reasons deemed to be in the public interest.

(b) The Director may erect or cause to be erected signs and barricades at any point or points of any street which is being repaired, paved or to prevent damage to the street, or where any work is being done therein, and no person shall put down, destroy or interfere with a barricade or sign so erected or drive or ride over that portion of the street so barricaded or drive or ride over that portion of the street so signed in contravention to the signing.

(c) The Director may charge fees as established by Council from time to time for acting under this subsection.

amended 25/2007

REMEDIAL ACTION

7.02.01 A dangerous or hazardous condition in a street constitutes an emergency and, pursuant to section 185 of *The City of Winnipeg Charter*, the Director and any person authorized by the Director is hereby given authority to take whatever actions or measures are reasonable to remedy such a condition without notice to any person.

7.02.02 Without restricting the general authority granted in subsection 7.02.01, where the operator of a vehicle cannot be readily located or fails immediately to comply with a written or verbal order to remove the vehicle, and where the vehicle is:

- (a) creating a hazardous condition in a street;
- (b) obstructing traffic without having obtained permission to do so, in contravention of subsection 4.01; or
- (c) parked or stopped in a street without complying with the *Manual of Temporary Traffic Control*;

any special constable authorized by the Director to do so is hereby authorized to have the vehicle removed to a compound and the costs of the removal and storage must be borne by the owner of the vehicle.

amended 62/2010

CANCELLATION OF PERMITS

7.03. *repealed 62/2010*

AUTHORITY TO DENY PERMIT

repealed 5381/90

INTERFERENCE WITH OFFICIALS

7.04.01 No person shall interfere in any way with the Director, or other City official or anyone acting under the authority of, or by the instructions of the Director or any such official in the performance of any of the duties imposed upon them by this By-law.

amended 5381/90; renumbered 62/2010

7.04.02 Without restricting the generality of subsection 7.04.01, where a special constable authorized by the Director to administer or enforce subsection 7.02.02 has ordered that a vehicle be removed to a compound under subsection 7.02.01), a person who is in the vehicle must exit the vehicle in order to allow it to be removed.

added 62/2010

ENFORCEMENT OFFICIALS

- 7.05.1 The Director, and any employee of the City of Winnipeg or other individual appointed as a special constable under section 176 of *The City of Winnipeg Charter* whose special constable appointment authorizes him or her to enforce this By-law, is an enforcement official, and has the powers of a peace officer within the limits of his or her appointment, for the purposes of enforcing this By-law.
added 55/2011

APPEALS

- 7.1. An appeal from an order to remedy a contravention of this By-law or a decision made under this By-law may be made in accordance with *The City of Winnipeg Charter* to the Standing Policy Committee on Infrastructure Renewal and Public Works.¹
added 8162/2002; 106/2015

SERVICE OF DOCUMENTS

- 7.2. 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; and
 - (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.²
amended 8162/2002

GENERAL PENALTIES

- 8.01 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.
amended 58/2017

- 8.02 Schedule H to this By-law sets out provisions of this By-law that are enforceable by way of a preset fine or a minimum fine under The Provincial Offences Act. If Schedule H sets out a preset fine for a provision, a person who contravenes that provision must pay that preset fine, plus applicable court costs and surcharges under The Provincial Offences Act. If Schedule H sets out a minimum fine for a provision, a person who contravenes that provision must pay a fine imposed by a justice under The Provincial Offences Act that is not less than the minimum fine set out, plus applicable court costs and surcharges under The Provincial Offences Act.

added 3298/82; amended 62/2010; 58/2017

APPLICATION TO CITY

- 9(1) The following provisions of this By-law do not apply to employees or agents of the City of Winnipeg acting under the direction of the City:

- (a) 2.02.01;
- (b) 2.03;
- (c) 2.14;
- (d) 5.01.01.

- 9(2) The Director is authorized to waive the need to obtain a permit or licence under this By-law for departments or administrative units of the City or for employees or agents of the City where the Director concludes that obtaining a permit or licence is not necessary in order to accomplish the purposes for which the permit or licence is required.

amended 8162/2002; 62/2010

REPEAL OF EXISTING BY-LAWS

10. All by-laws, resolutions, and orders passed prior hereto by any Area Municipality as defined in Clause (a) of Section 1 of *The City of Winnipeg Act* and still in force, relating to the use of streets other than those pertaining to vehicular and pedestrian traffic, shall hereinafter cease to have effect.

11. This By-law shall be referred to as the "**Streets By-law**".

added 8162/2002

DONE AND PASSED in Council assembled, this 16th day of March, A.D., 1977.

1 [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.](#)

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

SCHEDULE "A" TO STREETS BY-LAW NO. 1481/77

*amended 2576/80; 4782/88; 5131/89; 5684/91; 5733/91; 5756/91; 6153/93; 6202/93;
6270/93; 6558/95; 6791/96; 6938/96; 6985/97; 7157/98; 7587/2000; 7696/2000; 7745/2000*

repealed 25/2007

SCHEDULE "B" TO STREETS BY-LAW NO. 1481/77

*(3271/82 - repealed); amended 3777/84; (4869/88 - repealed); 5041/88; 5756/91; 6938/96; 7157/98; 7587/2000;
7696/2000; 7745/2000*

repealed 25/2007

SCHEDULE "C" TO STREETS BY-LAW NO. 1481/77

repealed 25/2007

SCHEDULE "D" TO STREETS BY-LAW NO. 1481/77

repealed 4416/86

SCHEDULE "E" TO STREETS BY-LAW NO. 1481/77

amended 7669/2000; 97/2003; 174/2005; 155/2008; 61/2010; 63/2010; 153/2012; 10/2015; 51/2015; 52/2015

List of streets on which trucks or other equipment may not be stored, nor on which any work may take place between the hours of 07:00 and 09:00 and between the hours of 15:30 and 17:30, on any day excepting Saturdays, Sundays and public holidays, except where emergency repairs are being carried out or except if permission to do so has been received from the Director of Public Works.

(Section 4.12.09)

Academy Road	Maryland Bridge	Kenaston Boulevard
Alexander Avenue	Main Street	Princess Street
Archibald rue	CPR Keewatin Subdivision	Fermor Avenue
Arlington Street	Portage Avenue	Inkster Boulevard
Arlington Street Bridge		
Balmoral Street	Notre Dame Avenue	Ellice Avenue
Bishop Grandin Boulevard	Kenaston Boulevard	Lagimodiere Boulevard
Bison Drive	Kenaston Boulevard	Kenaston Boulevard (southbound)
Bison Drive	Waverley Street	Pembina Highway
Broadway	Portage Avenue	Main Street
Brookside Boulevard	Mollard Road	Oak Point Highway
Carlton Street	Notre Dame Avenue	Broadway
Century Street	St. James Bridge	Dublin Avenue
Century Street/Portage Avenue Interchange		
Chancellor Matheson Road	Pembina Highway	University Crescent
Chancellor Drive	Pembina Highway	A point 100 m West
Chief Peguis Trail <i>amended 80/2011</i>	Main Street	Lagimodiere Boulevard
Colony Street	Portage Avenue	Ellice Avenue
Colony Street	St. Mary Avenue	York Avenue
Concordia Avenue	Gateway Road	Lagimodiere Boulevard
Concordia Overpass		
Cornish Avenue	Maryland Street	Sherbrook Street
Corydon Avenue	Donald Street	Roblin Boulevard
Cumberland Avenue	Maryland Street	Donald Street
Dakota Street	St. Mary's Road	Aldgate Road
Des Meurons rue	Provencher Boulevard	Marion Street
Day Street	Pandora Avenue	Regent Ave West
Disraeli Bridge and Overpass		
Disraeli Freeway	Main Street	Disraeli Bridge
Disraeli Freeway Interchange		
Disraeli Street	Sutherland Avenue	Rover Avenue
Donald Street	Notre Dame Avenue	McMillan Avenue
Dublin Avenue	Notre Dame Avenue	King Edward Street

Dublin Avenue Crossing of Omand's Creek		
Dufferin Avenue	Salter Street	McGregor Street
Dugald Road	Lagimodiere Boulevard	P.T.H. 101
Dugald Road Overpass of the CNR Line West of Terracon Place		
Dunkirk Avenue	St. Vital Bridge	St. Mary's Road
Dunkirk Drive/Kingston Row/ Churchill Dr. Interchange		
Eastway	Empress Street	Empress Street E.
Edmonton Street	Broadway	Portage Avenue
Edmonton Street	Ellice Avenue	Cumberland Avenue
Ellice Avenue	Notre Dame Avenue	Ferry Road
Empress Street East	Doreen Street	Rapelje Avenue
Empress Street	Portage Avenue	Wellington Avenue
Empress Street Overpass		
Erin Street	Notre Dame Avenue	Portage Avenue
Fermor Avenue	Dunkirk Drive	Plessis Road
Fermor Avenue Crossing of Seine River		
Ferry Road	Portage Avenue	Ellice Avenue
Fort Street	Broadway	Portage Avenue
Fort Garry Bridge		
Garry Street	Broadway	Ellice Avenue
Gateway Road <i>amended 80/2011</i>	Munroe Avenue	Chief Peguis Trail
Gladstone Street	Sutherland Avenue	Disraeli Street
Goulet Street	St. Mary's Road	Youville Street
Graham Avenue	Vaughan Street	Main Street
Grant Avenue	Pembina Highway	Roblin Boulevard
Grassie Boulevard	Lagimodiere Boulevard	Plessis Road
Hargrave Street	Broadway	Notre Dame Avenue
Harkness Avenue	Stradbrook Avenue	Mayfair Avenue
Harry Lazarenko Bridge <i>added 52/2015</i>	Redwood Avenue <i>added 52/2015</i>	Hespeler Avenue <i>added 52/2015</i>
Henderson Highway	Disraeli Bridge	Glenway Avenue
Henderson Highway/Talbot Avenue Interchange		
Hespeler Avenue	Harry Lazarenko Bridge <i>amended 52/2015</i>	Henderson Highway
Higgins Avenue	Princess Street	Louise Bridge
Inkster Boulevard	Main Street	Brookside Boulevard
Isabel Street	Notre Dame Avenue	Logan Avenue

Israel Asper Way <i>added 10/2015</i>	Pioneer Avenue/William Stephenson Way <i>added 10/2015</i>	York Avenue <i>added 10/2015</i>
James Avenue Johnson Avenue Jubilee Avenue Jubilee Overpass of Pembina Highway	King Street Henderson Highway Osborne Street	Main Street Levis Street Pembina Highway
Keewatin Street Kenaston Boulevard	Notre Dame Avenue Provincial Trunk Highway No. 100	Old Commonwealth Path St. James Bridge
Kenaston Blvd/St. James Bridge Interchange Kennedy Street Kennedy Street Kildonan Settlers Bridge King Street King Edward Street E. King Edward Street King Edward Street Crossing of Omand's Creek Kintyre Street	Cumberland Avenue Portage Avenue Smith Street St. Matthews Avenue King Edward Street E. St. James Bridge	Ellice Avenue Broadway Higgins Avenue King Edward Street Oak Point Highway Portage Avenue
Lagimodiere Blvd Lagimodiere Blvd/Concordia Avenue Interchange Lagimodiere Blvd Overpass of CNR Reddit Subdivision	John Bruce Road	North City Limit
Leila Avenue Levis Street Levis Street Logan Avenue Louise Bridge	Agnes Arnold Place Johnson Avenue Nairn Avenue Disraeli Freeway	Main Street Watt Street Talbot Avenue King Edward Street
McGillivray Blvd McGregor Street McMillan Avenue McPhillips Street Main Street Main/Norwood Bridges Marion Street Maryland Bridges Maryland Street Mayfair Avenue Memorial Boulevard Midtown Bridge Midwinter Avenue	Pembina Highway Dufferin Avenue Donald Street Notre Dame Avenue Assiniboine River St. Mary's Road Notre Dame Avenue Harkness Avenue York Avenue Henderson Highway	Southwest City Limit Templeton Avenue Osborne Street North City Limit North City Limit Lagimodiere Blvd Maryland Bridge Queen Elizabeth Way Portage Avenue Stradcona Street

Mission Street	Plinguet Street	Panet Road
Mountain Avenue	Main Street	McPhillips Street
Moray Street	North Bank of the Assiniboine River	Ness Avenue
Munroe Avenue	Henderson Highway	Gateway Road
Nairn Avenue	Stradcona Street	Panet Road
Nairn Overpass	Sturgeon Road	St. James Street
Ness Avenue	Portage Avenue	King Edward Street
Notre Dame Avenue	King Edward Street	Brookside Boulevard
Oak Point Highway	St. Mary Avenue	St. Vital Bridge
Osborne Bridge		
Osborne Street		
Pandora Avenue E.	Daly Street	Ravenhurst Street
Partridge Avenue	Leila Avenue	Main Street
Pembina Highway	Osborne Street	South City Limit
Pembina Highway/Bishop Grandin Blvd. Interchange		
Pembina Highway Crossing of La Salle River		
Pembina Highway/Jubilee Avenue Interchange		
Pioneer Avenue	Main Street	Provencher Bridge
Plessis Road	P.T.H 1 East	Grassie Boulevard
Portage Avenue	Main Street	St. Charles Street
Portage Avenue Crossing of Omand's Creek		
Portage Avenue Crossing of Sturgeon Creek		
Portage Avenue East	Westbrook Street	Main Street
Prairie Grove Road	St. Anne's Road	P.T.H. 59
Princess Street	Notre Dame Avenue	Higgins Avenue
Provencher Blvd	Archibald rue	Provencher Bridge
Provencher Blvd Crossing of Seine River		
Provencher Bridge		
Queen Elizabeth Way	Assiniboine River	Red River
Queen Street	Portage Avenue	Century Street Ramp
Ravenhurst Street	Pandora Avenue E.	Dugald Road
Redwood Avenue	Salter Street	Harry Lazarenko Bridge <i>amended 52/2015</i>
<i>deleted 52/2015</i>		
Regent Avenue	Panet Road	Day Street
River Avenue	Harkness Avenue	Wellington Crescent
River Road	St. Vital Road	St. Mary's Road

Riverton Avenue Roblin Boulevard	Henderson Highway Corydon Avenue	Midwinter Avenue P.T.H No. 100
St. Anne's Road St. James Bridges and Interchange	St. Mary's Road	Forbes Road
St. James Street St. John Ambulance Way St. Mary Avenue St. Mary's Road St. Matthews Avenue <i>added 21/2016</i>	Portage Avenue Portage Avenue Main Street Red River Century Street <i>added 21/2016</i>	Notre Dame Avenue Empress Street E. Spence Street Red River Floodway Empress Street <i>added 21/2016</i>
St. Vital Bridges Salter Street Sargent Avenue Saskatchewan Avenue Selkirk Avenue Shaftesbury Boulevard Sherbrook Street Silver Avenue Silver Avenue Slaw Rebchuk Bridge Smith Street Spence Street <i>deleted 80/2011</i>	Logan Avenue Ferry Road P.T.H 101 McPhillips Street Wilkes Avenue Maryland Bridge Sturgeon Road Century Street	Leila Avenue Edmonton Street Sturgeon Road Main Street Corydon Avenue Logan Avenue Hamilton Avenue St. James Street
Stadacona Street Stafford Street Sterling Lyon Parkway Stradbrook Avenue <i>deleted 51/2015</i>	Midtown Bridge St. Mary Avenue <i>deleted 80/2011</i>	Notre Dame Avenue Portage Avenue <i>deleted 80/2011</i>
Sturgeon Access <i>added 51/2015</i>	Louise Bridge Pembina Highway Wilkes Avenue Wellington Crescent <i>deleted 51/2015</i>	Talbot Avenue Academy Road McCreary Road/Shaftesbury Blvd Queen Elizabeth Way <i>deleted 51/2015</i>
Sturgeon Road	Sturgeon Road <i>added 51/2015</i>	CentrePort Canada Way <i>added 51/2015</i>
Sturgeon Road Crossing of Sturgeon Creek	Portage Avenue	Sturgeon Access <i>amended 51/2015</i>
Tache Avenue Talbot Avenue Taylor Avenue <i>deleted 99/2015</i>	St. Mary's Road Riverton Avenue Pembina Highway <i>deleted 99/2015</i>	Provencher Blvd Stadacona Street Kenaston Blvd <i>deleted 99/2015</i>
Tuxedo Avenue	Kenaston Blvd	Corydon Avenue
University Crescent	Pembina Highway	Chancellor Matheson Road
Vaughan Street	York Avenue	Ellice Avenue
Wall Street Warde Avenue <i>deleted 10/2015</i>	Portage Avenue St. Mary's Road <i>deleted 10/2015</i>	Notre Dame Avenue St. Anne's Road <i>deleted 10/2015</i>

Watt Street	CPR Keewatin Subdivision	Munroe Avenue
Waverley Street	Grant Avenue	Kenaston Blvd
<i>deleted 99/2015</i>	<i>deleted 99/2015</i>	<i>deleted 99/2015</i>
Wellington Avenue	Winnipeg International Airport	Empress Street
Wellington Crescent	Academy Road	River Avenue
Westbrook Street	Water Avenue	Portage Avenue E.
Weston Street	Notre Dame Avenue	Logan Avenue
Westway	Empress Street	Empress Street E.
Wilkes Avenue	Waverley Street	Sterling Lyon Parkway
Wilkes Avenue	McCreary Road/Shaftesbury Blvd	Provincial Trunk Highway No. 100
William Avenue	Main Street	McPhillips Street
William R. Clement Parkway	North Bank of Assinibione River	Grant Avenue
William Stephenson Way	Main Street	Provencher Bridge
York Avenue	Colony Street	Israel Asper Way
Youville Street	Goulet Street	<i>amended 10/2015</i>
		Marion Street

SCHEDULE "F" TO STREETS BY-LAW NO. 1481/77

repealed 64/2003

SCHEDULE "G" TO STREETS BY-LAW NO. 1481/77
added 5381/90; amended 174/2005

MOUNTING OF FLAGS, BANNERS AND DEVICES ON UTILITY POLES

1. Banners, flags, signs and other devices may be mounted upon utility poles located within streets only as provided herein.
2. The person seeking to have the banner, flag, sign or device mounted shall submit an application to the Director containing the following information:
 - (a) Name, address and telephone number of the applicant.
 - (b) Location of the utility pole(s) upon which the device is to be mounted.
 - (c) Position of each device in relation to nearby buildings or structures.
 - (d) Drawing of the proposed device and specifications as to its construction, including size, weight, shape, material, colour and content.
 - (e) Specifications as to the manner of mounting.
 - (f) Period during which the applicant requests that the device be mounted.
 - (g) Where the utility poles are the property of a government authority or crown corporation, a written undertaking from that authority to mount the device upon such terms and conditions as the authority may impose.
amended 174/2005
3. The applicant shall, if required by the Director, provide:
 - (a) An Engineer's Report and calculation demonstrating that the device shall be constructed and mounted in such manner as to safely withstand the deadload and anticipated wind pressures.
 - (b) Such further information as the Director may require to demonstrate compliance with all other City by-laws.
4. The Director shall consider all requests and shall approve on a first come basis those requests which comply with the following criteria:
 - (a) The mounting locations are within those portions of those streets identified in Schedule "A" of By-law No. 1991/78.

- (b) The utility poles upon which mounting is requested are available. The utility pole shall be deemed to be unavailable where prior approval has been given pursuant to
 - (c) clauses 5.1(a) or 5.1(c) for the mounting of a difference device during the period to which the application relates.
 - (c) The device will be mounted by means of metal brackets, anchors, bolts, rubber connections or other connections which, in combination with the device, will be safe, secure and visually attractive. In no case shall the device be attached by wire, strips of wood, nails, glue or tape.
 - (d) The device will be mounted in a manner which will not present a danger to the public nor cause damage to the utility pole.
 - (e) The device will be mounted at least sixteen (16') feet above grade.
 - (f) The device will be a safe distance from any power line.
 - (g) The device will not be mounted at the intersection of any streets in such a manner as to obstruct vision, or at any location where, by reason of its position, shape or colour, it may interfere with, obstruct the view of or be confused with any traffic sign or device.
 - (h) The device will not block natural light from the doors or windows of surrounding buildings.
 - (i) The device is compatible with general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is to be located.
 - (j) The device does not direct attention to a business operated for profit not to a commodity or service for sale.
 - (k) The device is not, in the opinion of the City Solicitor, contrary to the Criminal Code of Canada or any other law.
- 5.1. Where a request complies with the criteria set forth in Section 4, the Director shall approve the request in writing as follows:
- (a) Where the period specified in the application does not exceed 30 days approval shall be given for the period specified in the application;

- (b) Where the application is for the posting of a sign or device identifying a business improvement zone established pursuant to section 436 of *The City of Winnipeg Charter* or identifying a neighbourhood watch area or providing direction to a church, community centre or other permanent public facility, approval shall be given for the period specified in the application, including a permanent installation;
amended 8162/2002
- (c) Except as provided in clause (b) hereof, where the period specified in any application exceeds 30 days, approval shall be given for an initial 30 day period, subject to such extensions as may be provided pursuant to Section 7.

5.2. *repealed 174/2005*

6. *repealed 174/2005*

- 7.1. Where an application to mount a sign for a period exceeding 30 days is approved pursuant to clause 5.1(c), the Director shall, prior to the end of the 30 day period, review the application. In the event that he finds the device to remain in good condition and there has been no other request approved for the posting of a different sign at the same location, the Director shall extend his approval for the balance of the period requested to a maximum of a further 30 days.
- 7.2. The Director shall continue to review applications to post devices for periods exceeding 60 days at 30-day intervals and shall continue to extend his approval where the criteria contained in subsection 7.1 are met.
- 8. Notwithstanding anything contained herein, the Director may withdraw his approval of the mounting of a banner, flag, sign or other device if the said device becomes a potential danger to the public.
- 9. Upon the expiry or withdrawal of the Director's approval of the mounting of a banner, flag, sign or other device upon a utility pole, the said device shall forthwith be removed by the owner of the utility pole.

SCHEDULE "H" TO THE STREETS BY-LAW NO. 1481/77

Specified Fine Provisions**Enforceable through The Provincial Offences Act****(Subsections 8.01, 8.02 and 8.03)***added 62/2010; amended 59/2016; 86/2016; 58/2017***PENALTIES FOR CONTRAVENTIONS OF BY-LAW**

Provision	Contravention Summary	Minimum Fine (\$)	Set Fine (\$)	Early Payment Discount (\$)
s. 2.02.01(c)	Carry out or permit any action causing or resulting in the creation of a dangerous condition in a street	500	N/A	N/A
2.17.02	Unlawful movement of a shopping cart	N/A	75	35
2.18	Soliciting Business in a roadway	N/A	100	50
s. 4.13.03(2)	Fail to display any traffic control devices when working in or obstructing the normal use of a regional street	1000	N/A	N/A