

RURAL MUNICIPALITY OF HEADINGLEY
BY-LAW NO. 9/97

The Council of the R.M. of Headingley in Council assembled enacts as follows:

SECTION 1 TITLE

SUBSECTION 1.1 This by-law may be cited as the R.M. of Headingley Building By-law.

SECTION 2 SCOPE

SUBSECTION 2.1 This by-law is intended to regulate new and existing construction in the R.M. of Headingley including the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy, change in occupancy of any building or premises in the R.M. of Headingley and is also intended to establish regulations governing the grading of property for the purposes of managing storm water runoff in the R.M. of Headingley to minimize the infiltration of storm water into the wastewater sewer system and any nuisances that may be caused to property by storm water runoff.

SUBSECTION 2.2 This by-law adopts the building construction codes and building construction standards (hereinafter referred to as "The Code") adopted, established or prescribed under Section 3 of The Buildings and Mobile Home Act. (Chapter B93 of the Continuant Consolidation of the Statutes of Manitoba).

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

SECTION 3 DEFINITIONS OF WORDS AND PHRASES

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

SUBSECTION 3.2 For the definition of words used in this By-law that are not included in this section of in the Code, reference should be made to a standard dictionary (Websters).

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

"**Accepted**" means accepted by the authority having jurisdiction.

"**Applicant**" means owner, or such other person authorized in writing by said owner to make application for a PERMIT.

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

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

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

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

"**Authority Having Jurisdiction**" means the Development Officer or designate.

"**Building**" means any structure used or intended for supporting or sheltering any use or

occupancy and, without restricting the generality of the foregoing, includes residential, commercial and industrial structures.

"Building Lot Grade" means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building and at the location so identified on the LOT GRADING PERMIT.

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

"Code" means The Manitoba Building Code as established under Section 3 of the Buildings and Mobile Homes Act.

"Contractor" means a person who contracts with an owner or his authorized agent to undertake a project, and includes an owner who contracts with more than 1 person for the work on a project or undertakes the work on a project or any part thereof.

"Council" means the Council of the R.M. of Headingley.

"Development Officer" means an appointee of the Council, who issues permits, administers and enforces the code and the Headingley Zoning By-law.

"Elevation" means the vertical distance above or below mean sea level;

"Highway" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passages of vehicles or pedestrians, with or without fee or charge therefore, and includes all the space between the boundary lines thereof whether or not used for vehicular or pedestrian traffic; and, without restricting the generality of the foregoing, includes roads, road allowances, streets, lanes, thoroughfares, and other means of communication dedicated to the public use as highways, or opened or made as highways under this By-law or any Act of Legislature, and any part of a highway as so defined, and also includes all bridges, subways, walkways, underpasses, grade separations, piers, wharves, ferries and squares, and the road improvements thereon, dedicated to the public use; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon.

"Interim Occupancy Permit" - authorization in writing to occupy any building or part thereof prior to full completion.

"Land Drainage Sewer" means a sewer that carries storm water and surface water, street wash, weeping tile water, and other wash waters or drainage but excludes domestic wastewater and industrial wastes;

"Leader/Downspout" means a nominally vertical pipe that is installed to carry storm water from a roof.

"Lot" means a piece, plot or parcel of land or an assemblage of contiguous parcels of land in one ownership, having a frontage and/or flankage on a public street;

"Lot Grade Elevation" means the elevation of the finished ground surface at any specific reference point or at any point on the slope between two specific reference points on a lot;

"Lot Grading" is a general term referring to the combination of lot grade elevations and resultant slopes within a given lot;

"Lot Grading Permit" means a written approval issued by the Development Officer of the R.M. of Headingley pursuant to this by-law, wherein the Building Lot Grade and Lot Grade Elevations of a specific lot are established;

"Lot Grading Plan" means the plan referred to in 17.3.2 a) or in the case of residential property one of the figures in Schedule F as determined by the Development Officer.

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

"Mobile Advertising Sign" means a sign which is mounted on a trailer, vehicle, stand or

similar support structure which is designed in such a manner that the sign can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters or panels.

"Occupancy Permit" means permission or authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof, in the R.M..

"Owner" means the registered owner of land whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting

- (a) Certificate of Title under the Real Property Act,
- (b) grant registered under the Registry Act, or
- (c) instrument registered or filed in the Winnipeg Land Titles Office,

and shall in addition to the persons defined above, include anyone entitled to be an owner and any person, firm or corporation acting as agent for an owner.

"Person" means any person, firm, co-partnership or corporation or any trustee, manager or other person, either individually or jointly with others, owning or occupying any building or place or having the management or supervision of any building or place to which this By-law applies, and includes any agent, workman, servant or employee of such person, firm, co-partnership, or corporation.

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

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

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

"Residential Property" means a property intended for residential use by one family only;

"Roof Drain" means a fitting or device that is installed in the roof to permit storm water to discharge into a leader.

"R.M." means the R.M. of Headingley.

"Splash Pad" means a cast-in-place or precast concrete structure rigidly attached to a building to carry roof run-off and weeping tile water away from the building foundation;

"Storm Water" means water from rainfall or snowmelt or a combination of the two, and includes weeping tile water;

"Street" means a highway over which the R.M. of Headingley has jurisdiction;

"Street Line" means the lateral boundaries of a highway;

"Structure" means anything constructed, placed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground that shall include, but not be limited to the following: buildings, mobile homes, walls, fences, signs, billboards, poster panels, light standards, swimming pools, air conditioners, heating and cooling units, pulse furnaces, satellite dishes.

"Wastewater Sewer" means a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with quantities of ground, storm and surface water that are not admitted intentionally.

"ZONING BY-LAW" means the R.M. of Headingley Zoning By-law No.21/95, as amended.

SECTION 4 PROHIBITIONS

SUBSECTION 4.1 Any person who fails to comply with any order or notice issued by any authority having jurisdiction, or who allows a violation of the Code to continue, contravenes the provisions of this By-law.

SUBSECTION 4.2 No person shall undertake any work or authorize or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to

be done.

SUBSECTION 4.3 No person shall deviate from the accepted plans and specifications forming a part of the permit, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained the acceptance of the authority having jurisdiction to permit such deviation except for minor changes to accepted plans and specifications which, when completed would not cause a violation of the Code or other by-laws.

SUBSECTION 4.4 Where an occupancy permit is required by Section 15 herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless an occupancy permit has been issued by the R.M..

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

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

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

SUBSECTION 4.8 Any person who knowingly submits false or misleading information to the R.M. or authority having jurisdiction concerning any matter relating to this by-law is guilty of an offence under this by-law.

SECTION 5 DUTIES AND RESPONSIBILITIES OF THE OWNER

SUBSECTION 5.1 Where in the opinion of the authority having jurisdiction, any application dealing with a structure that requires the services of an architect and/or professional engineer the owner shall appoint a qualified architect and/or professional engineer to perform all the services required.

SUBSECTION 5.2 Where the inspection of construction of a structure will not be carried out by the person responsible for its design, the owner shall submit, with the application to build, the name and address of the person who will inspect the construction and shall give notice to the authority having jurisdiction of any subsequent change in the plan of said person carrying out such inspections or address whenever such change takes place.

SUBSECTION 5.3 Every owner, contractor or agent shall obtain all permits, acceptances and approvals required by the authority having jurisdiction in connection with proposed work, prior to commencing the work to which the said permits, acceptances and approvals relate.

SUBSECTION 5.4 Every owner shall give notice in writing to the authority having jurisdiction, prior to commencing work, listing of:

- (a) the name, address and telephone number of:
 - (i) the contractor, subcontractor or other person in charge of the work,
 - (ii) the engineer and/or architect responsible for reviewing the construction to determine whether or not the construction conforms to the code, and
 - (iii) any inspection or testing agency engaged to monitor the work; and
- (b) any change in or termination of employment of such persons aforesaid during the course of the construction immediately when such change or termination occurs.

SUBSECTION 5.4.1 Every owner shall give notice to the authority having jurisdiction of the dates on which it is intended that work will commence.

SUBSECTION 5.4.2 Every owner shall give notice to the authority having jurisdiction

- (a) of intent to do work that has been ordered to be inspected during construction;
- (b) of intent to cover work that has been ordered to be inspected prior to covering; and

(c) when work has been completed so that a final inspection can be made.

SUBSECTION 5.4.3 Every owner shall give notice in writing to the authority having jurisdiction immediately upon any change in ownership or change in the address of the owner occurring prior to the issuance of an Occupancy Permit.

SUBSECTION 5.4.4 Every owner shall give such other notice to the authority having jurisdiction as may be required by the provisions of the Code or this by-law, and shall comply in all respects with this by-law.

SUBSECTION 5.5 No owner shall deviate from the requirements of the conditions of the permit issued without first obtaining from the authority having jurisdiction permission to do so in writing.

SUBSECTION 5.6 Every owner shall ensure that the drawings and specifications on which the issue of the building permit was based are available continuously at the site of the work for inspection during working hours by the authority having jurisdiction and that the permit card is posted conspicuously on the site during the entire execution of the work.

SUBSECTION 5.7 The granting of a permit, the review and acceptance of the drawings and specification or inspections made by the authority having jurisdiction, shall not in any way relieve the owner of a structure from full responsibility for carrying out the work or having the work carried out accordingly and for maintaining the building or structure in accordance with the requirements of the Code and this by-law including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the occupancy permit.

SUBSECTION 5.8 No person shall interfere in any way with the authority having jurisdiction or anyone acting under his authority or by his instructions, in the performance of any duties imposed upon him by this by-law.

SUBSECTION 5.9 Every owner shall, at the request of the authority having jurisdiction, make or have made, at his own expense, tests or inspections as necessary to prove compliance with the Code, and shall promptly file a copy of all such test or inspection reports with the authority having jurisdiction.

SUBSECTION 5.10 To the extent that is possible, all tests required by the authority having jurisdiction shall be carried out by the owner in accordance with recognized standard test methods. In the absence of such standard test methods, the authority having jurisdiction may specify the test procedure to be followed.

SUBSECTION 5.11 Where tests of any materials are made to ensure conformity with the requirements of the Code, records of the test data shall be kept available by the owner or his agent for inspection during the construction of the building and for such period thereafter as required by the authority having jurisdiction.

SUBSECTION 5.12 Every owner shall provide an up-to-date Building Location Certificate or Staking Certificate prepared by a Manitoba Land Surveyor licensed to practice in Manitoba of the building site when and as required by the authority having jurisdiction.

SUBSECTION 5.13 When required by the authority having jurisdiction, every owner shall uncover and replace at his own expense any work that has been covered prior to inspection and/or contrary to any order issued by the authority having jurisdiction.

SUBSECTION 5.14 Every owner is responsible for the cost of repair of any damage to public property of works located thereon that may occur as a result of undertaking work for which a permit was required by this By-law.

SUBSECTION 5.15 Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

SUBSECTION 5.16 When a structure or part thereof is in an unsafe condition, the owner shall immediately take all necessary action to put the structure in a safe condition. All structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the Code in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of such building or structure.

SUBSECTION 5.17 Where a stop work order has been issued by the authority having jurisdiction, in accordance with Subsection 9.2 herein, the owner, or his designated agent, shall stop work immediately, except for the installation or erection of covers or guards so as to be able to maintain the site in a safe condition.

SUBSECTION 5.18 Where work is suspended or terminated, the owner or his designated agent, shall leave the site in a safe manner and shall maintain the site in a safe condition (as per Section 12).

SUBSECTION 5.19 When required by the authority having jurisdiction, every owner, general contractor or his designated agent shall:

- (a) provide a letter to certify compliance with the requirements of the Code and of any permits required, and
- (b) submit, on completion of the construction, a revised set of drawings, depicting the building as constructed.

SECTION 6 DUTIES AND RESPONSIBILITIES OF THE DESIGNER

SUBSECTION 6.1 Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in Subsections 5.1 and 5.2 aforesaid, the drawings and specifications shall be prepared, and the construction inspected and certified by, an architect and/or professional engineer skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.

SUBSECTION 6.2.1 Prior to the issuance of a building permit, the responsible architect and/or professional engineer shall submit a letter to the authority having jurisdiction stating the extent of his/their responsibility in connection with the project (design, review, etc.).

SUBSECTION 6.2.2 If the responsible architect and or professional engineer withdraws from the project, he shall immediately advise the authority having jurisdiction.

SUBSECTION 6.3 Prior to the issuance of an occupancy permit, the responsible architect and/or professional engineer shall, where required by the authority having jurisdiction, submit a certificate stating:

"The construction has been reviewed under my supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge the structure was constructed in accordance with the accepted drawings and specifications and requirements of the applicable by-laws".

SUBSECTION 6.4 The responsible architect and/or professional engineer shall sign, date and seal all the documents referred to in Subsections 6.1, 6.2 and 6.3 aforesaid.

SUBSECTION 6.5 For the purposes of this Section, the term review shall mean the inspection during construction to determine whether or not the construction conforms to the design and the by-law.

SECTION 7 DUTIES AND RESPONSIBILITIES OF THE CONTRACTOR

SUBSECTION 7.1 Every contractor or his designated agent, including building and plumbing contractors, shall ensure that all work is carried out in accordance with this by-law, the Code and all provisions as described on the permit and accepted drawings and specifications.

SUBSECTION 7.2 Every contractor or his designated agent shall ensure that all construction safety requirements of the Code are complied with.

SUBSECTION 7.3 Every contractor or his designated agent shall give notice to the authority having jurisdiction

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

SUBSECTION 7.4 Every contractor or his designated agent is responsible jointly and severally with the owner for any work actually undertaken.

SUBSECTION 7.5 When required by the authority having jurisdiction, the contractor or his designated agent shall provide a statutory declaration that his work was completed in accordance with the accepted plans, specifications and requirements of the Code and this by-law.

SECTION 8 DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION

SUBSECTION 8.1 The authority having jurisdiction is responsible for the administration of the Code and this By-law.

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

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

SUBSECTION 8.4 The authority having jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner, general contractor or his designated agent where a contravention of the Code or this by-law has been observed.

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

SUBSECTION 8.6 The authority having jurisdiction shall issue a permit to the owner, contractor or agent, when to the best of his knowledge, the applicable conditions as set forth in the Code and other relevant by-laws of the R.M. of Headingley have been met.

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

SUBSECTION 8.8 Any order or notice required to be served pursuant to this Section shall be sufficiently served if sent by certified or registered mail to the owner at his address as shown on the Assessment roll of the R.M. or as registered in the Winnipeg Land Titles Office, or if it has been posted on the premises affected.

SUBSECTION 8.9 In the event of any conflict within the R.M. of Headingley by-laws and this by-law, this by-law shall take precedence and be enforced accordingly.

SECTION 9 POWERS OF THE AUTHORITY HAVING JURISDICTION

SUBSECTION 9.1 Subject to Section 84 and Section 85 of the Planning Act, RSM 1987, Chapter P 80, the authority having jurisdiction may at all reasonable times enter any building or premises for the purpose or purposes of administering or enforcing the Code or this by-law.

SUBSECTION 9.2 The authority having jurisdiction is empowered to order:

- (a) a person who he believes to be in contravention of the Code, to comply with the Code or this by-law within a specified time;
- (b) work to stop on the structure or any part thereof;
 - (i) if such work is proceeding in contravention of the Code or of this by-law, or any other condition under which the permit was issued, or
 - (ii) if the authority, in its sole discretion deem that an unsafe condition exists;

- (c) the removal of any unauthorized encroachment on public property;
- (d) the removal of any building or part thereof constructed in contravention of the Code or this by-law;
- (e) the cessation of an occupancy in contravention of the Code or this by-law;
- (f) the cessation of an occupancy if any unsafe condition exists;
- (g) correction of any unsafe condition;
- (h) that work not be covered until it has been inspected; and
- (i) that certain work be inspected during construction.

SUBSECTION 9.2.1 The authority having jurisdiction may authorize the complete or partial demolition or removal, at the expense of the owner thereof, of a structure which, in his opinion, has been constructed in contravention of the Code or any by-law.

SUBSECTION 9.2.2 The authority having jurisdiction may by written notice, require the owner of a structure or other person acting for the owner in respect thereof, to comply within a specified period of time to have the structure made to conform with the Code in such respects as are specified in the notice. Omission to give such notice, however, shall not prevent any owner or other person from being prosecuted for breach of the Code.

SUBSECTION 9.3 The authority having jurisdiction may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets the requirements of the Code (See Section 13).

SUBSECTION 9.4 The authority having jurisdiction may require any owner to submit an up-to-date plan of a Building Location Certificate or Staking Certificate prepared by a Manitoba Land Surveyor which shall contain sufficient information regarding the building lot and the location of any structure

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

SUBSECTION 9.5 The authority having jurisdiction may issue a permit, at the risk of the owner, with conditions if necessary to ensure compliance with the Code and any other applicable regulation or By-law, to excavate or to construct a portion of a structure before the entire drawings of the whole project have been submitted or accepted.

SUBSECTION 9.6 The authority having jurisdiction may issue a permit for the entire project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data are of secondary importance, and are of such nature that the withholding of the permit until its availability would unreasonably delay the work.

SUBSECTION 9.7 The authority having jurisdiction may refuse to issue a permit:

- (a) whenever information submitted is inadequate to determine compliance with the provisions of the Code;
- (b) whenever incorrect information is submitted;
- (c) that would authorize any building work or occupancy that would not be permitted by the Code;
- (d) in respect of any appliance, device, machine or apparatus or in respect of any construction if the installation or construction will not comply with the regulations of the R.M. of Headingley or the Government of Manitoba or of the Government of Canada;
- (e) for the repair or alteration of a building if, in his opinion, the building is so dilapidated or damaged that the building or its remaining components do not

meet an acceptable standard, or if, in his opinion, the building will vary in appearance from the usual types of building in the vicinity to such an extent as to have an adverse effect of property values in the area;

(f) where, in his opinion, the results of the tests referred to in Section 13 herein are not satisfactory;

(g) to any person who has failed to pay any fees due and owing to the R.M. under this or any other By-law; or

(h) where, in his opinion, a condition exists which could adversely affect the health and/or safety of the occupants of the proposed building or structure.

SUBSECTION 9.8 The authority having jurisdiction may revoke a permit if:

(a) there is a contravention of any condition under which the permit was issued;

(b) the permit was issued in error;

(c) the permit was issued on the basis of incorrect information.

SUBSECTION 9.9 The authority having jurisdiction may issue an Interim Occupancy Permit, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or a part thereof for the accepted use prior to commencement or completion of the construction or demolition work.

SUBSECTION 9.10 Before issuing or consenting to the issuance of an Occupancy Permit the authority having jurisdiction may require the owner to provide letters to certify that the requirements of the Code, this by-law and the necessary permits have been met.

SUBSECTION 9.11 The authority having jurisdiction, in special cases that in his opinion warrant it, may in writing, modify or vary any specified regulation where such modification or variation in his opinion will substantially accomplish the object of the regulation.

SUBSECTION 9.12 Upon the completion of the construction of a building or structure, the authority having jurisdiction may require an owner to submit an up-to-date set of drawings depicting the building or structure as constructed.

SUBSECTION 9.13 The authority having jurisdiction may require that drawings and specifications submitted in connection with an application for a permit be in a form which will facilitate examination to determine compliance with the Code and this by-law and may require that all values be stated in metric and imperial units.

SUBSECTION 9.14 Except in the case of a building 3 storeys or less in height, having an area not exceeding 600 sq.m. (6,459sq.ft.) and which is used for residential, business and personal service, mercantile, and medium and light hazard industrial occupancies, the authority having jurisdiction may require that the owner appoint an architect and/or engineer licensed in the Province of Manitoba, skilled in the appropriate section of work concerned, which consultant shall be responsible for the preparation of drawings and specifications and the inspection of construction to ensure conformity with the drawings, specifications and the applicable sections of the Code.

SUBSECTION 9.15 Where the design of a structure requires special technical knowledge, the authority having jurisdiction may require that such design be carried out by an architect and/or professional engineer who is entitled to practice in the Province of Manitoba and who is skilled in the appropriate section of the work concerned, and any related costs be borne by the owner, contractor or agent.

SUBSECTION 9.16 The R.M. of Headingley or any of its employees charged with the enforcement of this by-law while acting for the R.M. shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this by-law shall be defended by the legal representative as well as the R.M. until the final termination of the proceedings. In no case shall the R.M. of Headingley or any of its employees be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this by-law acting in good faith and without malice, shall be free from liability for acts

performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

SUBSECTION 9.17 The powers of the R.M. and the authority having jurisdiction contained in this by-law shall not restrict the R.M. or the authority having jurisdiction's authority pursuant to the provisions of The Planning Act, RSM 1987, Chapter P80 and any amendments thereto and any legislation pursuant to which the R.M. and the authority having jurisdiction are given authority

SECTION 10 APPEAL

SUBSECTION 10.1 Any person who deems himself aggrieved by a decision of the authority having jurisdiction as to the issuance of permits, the prevention of the construction or occupancy of buildings and the demolition or removal of buildings, or structures, may, within fifteen (15) days from the date of the decision, appeal therefrom to the R.M..

SUBSECTION 10.2 Upon the hearing of an appeal, the R.M. may,

- (a) rescind, suspend or modify any decision or order given by the authority having jurisdiction;
- (b) extend the time within which compliance with the decision or order shall be made; or
- (c) make such other decision or order as in the circumstances of each case it deems just;

and the decision or order of the R.M. upon being communicated to the appellant, stands in place of the decision or order against which appeal is made, and any failure to comply with the decision or order against which appeal is made, and any failure to comply with the decision or order is an offence.

SECTION 11 ALTERATIONS AND ADDITIONS

SUBSECTION 11.1 Horizontal additions may be made to an existing building or structure provided:

- (a) the total building (existing building or structure and the additions) meets all applicable Code requirements or;
- (b) a firewall of the required fire resistance rating separates the existing building or structure from the addition, and acceptable fire department access is provided to the addition; and
- (c) the addition meets all applicable Zoning By-law requirements.

SUBSECTION 11.2 The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirements of the Code and Zoning By-law.

SECTION 12 UNSAFE CONDITIONS

SUBSECTION 12.1 Any building or structure that is liable to collapse or cause explosion or any building, structure or lot that is in an unsafe condition or likely to cause damage or injury to any person or property, or, in that it constitutes a fire hazard, or, that in the case of a well, excavation, or opening, is not properly covered or guarded, or that, in the opinion of the authority having jurisdiction is so dilapidated, out of repair, or otherwise in such condition, that it is a trap for persons or animals, shall not be allowed to remain in such condition but shall be demolished, removed, guarded, or put in a safe condition, to the satisfaction of the authority having jurisdiction.

SUBSECTION 12.2 A vacant building, unguarded or open, to which entry can be gained, shall be deemed unsafe.

SUBSECTION 12.3 If, in the opinion of the authority having jurisdiction a building or

structure is in an unsafe condition or a well, excavation or opening is not properly covered or guarded, as set out in Subsection 12.1, aforesaid, the authority having jurisdiction may serve a written notice on the owner, occupier, agent or person in charge of the building or structure, or of a well, excavation or opening, by certified or registered mail or by personal notice, to his address as shown on the Assessment Roll of the R.M. of Headingley or as registered in the Winnipeg Land Titles Office, describing the building or structure, or the well, excavation or opening requiring him to have it demolished, guarded, covered, or put in safe condition forthwith to the satisfaction of the authority having jurisdiction.

SUBSECTION 12.4 A vacant building shall be deemed to be guarded if the requirements set forth in Schedule A herein have been met.

SUBSECTION 12.5 Where the authority having jurisdiction is unable, as set forth in Subsection 12.3 aforesaid, to locate the owner, occupier, agent, or person in charge of the building or structure, or of a well, excavation or opening, or in cases where service as aforesaid is impractical, the notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed to be the equivalent of personal notice following the expiration of 24 hours from the posting of such notice.

SUBSECTION 12.6 Without affecting any other remedy that the R.M. of Headingley may have on default of compliance with a notice given under Subsections 12.3 and 12.5 aforesaid, the authority having jurisdiction may, in the case of a building or structure cause the same to be demolished, removed or put in a safe condition, and in the case of a well, excavation or opening, to have the same covered, guarded, or put in a safe condition, as may be deemed expedient and necessary and that the cost of the work may be recovered by the R.M. of Headingley by summary process of law, and shall also be a lien upon the building or structure and the materials thereof and upon the lot or parcel of land occupied by the said building or structure, or by the said well, excavation or opening, and that the cost, when certified by the authority having jurisdiction may be added to the taxes on the land or on the building or structure, and may be collected in the same manner as other municipal taxes are collected.

SUBSECTION 12.7 Where, upon non-compliance with any notice given under Subsections 12.3 and 12.5 aforesaid the authority having jurisdiction causes the building or structure to be demolished, the R.M. of Headingley may sell the material, fixtures, and other salvage therefrom and apply the price received therefor toward paying the cost of the demolition, and the balance, if any, shall be applied toward paying any taxes owing in respect of the property, after which any balance remaining shall be paid to the mortgages, encumbrances, and lien holders, if any, in the order of their priority, and the surplus, if any, shall be paid to the owner of the property.

SECTION 13 TESTS

SUBSECTION 13.1 All required tests of materials shall be conducted according to the appropriate methods found in the standards listed in the Code, or in the absence of these, as specified by the authority having jurisdiction.

SUBSECTION 13.2 Tests and inspections shall be conducted as required by the authority having jurisdiction and all costs thereto shall be borne by the owner or contractor.

SUBSECTION 13.3 Laboratory tests shall be conducted by a laboratory acceptable to the authority having jurisdiction.

SECTION 14 PERMITS AND CERTIFICATES

SUBSECTION 14.1 GENERAL

SUBSECTION 14.1.1 A permit is required whenever work regulated by this by-law, the Code and the Zoning By-law is to be undertaken.

SUBSECTION 14.1.2

(1) To obtain any permit or certificate authorized herein the owner shall file an application in writing on a form prescribed by the authority having jurisdiction.

(2) All applications for permits or certificates shall be accompanied by the required fee specified in the R.M. fee schedule.

(3) An application for a permit may be deemed to have been abandoned three months after the date of filing, unless such application has been proceeded with.

SUBSECTION 14.1.3 A permit shall expire and the right of an owner under the permit shall terminate if the work authorized by the permit:

(a) is not commenced within six (6) months from the date of issuance of the permit and reasonably continued without interruption thereafter, or

(b) is not carried out in accordance with the conditions listed in Article 14.1.5 herein.

SUBSECTION 14.1.4 Where an inspection is requested and it is necessary that the inspection be conducted outside of regular office hours or conducted during office hours in addition to a regular inspection, a fee shall be charged as provided for in the R.M. fee schedule, in addition to required permit fees.

SUBSECTION 14.1.5 Every permit is issued under the condition

(a) that pegs, stakes, lines and other marks approved by the authority having jurisdiction be located on the building site so as to establish the line or limiting distance beyond which the building or structure shall not extend as specified on the permit, and shall be accurately maintained during the course of construction and until occupancy has been approved and such markings shall be provided for the erection of a new building or structure, extension or addition to existing buildings or structures moved from one location to another whether on the same property or not;

(b) that the work shall be carried out in accordance with all provisions of the by-law and the Code and all provisions as described on the permit and accepted drawings;

(c) that all R.M. by-laws and Provincial and Federal regulations be complied with; and

(d) that the authority having jurisdiction shall get copies of all changes ordered which may alter any condition or requirement of this by-law and the Code, and a set of the revised drawings showing these changes.

SUBSECTION 14.1.6 All work being carried out under a permit issued prior to the effective date of this by-law or of the Code shall be completed in accordance with the previous by-law or Code requirements and any special conditions described on the permit and accepted drawing. If work does not proceed at a satisfactory rate, in the opinion of the authority having jurisdiction, the permit may be cancelled, in which case a new permit shall be obtained before work is continued and all subsequent work shall comply with the provisions of this by-law or Code.

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

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

SUBSECTION 14.1.9 When required by the authority having jurisdiction, drawings, specifications, structural calculations and/or a code analysis shall be provided.

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

SUBSECTION 14.1.11 In lieu of separate specifications, the authority having jurisdiction

may allow the essential information to be shown on the drawings but in no case shall such terms as "in accordance with the Code", "legal", or similar terms be used as substitutes for specific information.

SUBSECTION 14.1.12 When, in order to expedite work, acceptance of a portion of the building is desired prior to the issuance of a permit for the whole building, application drawings and specifications covering the portion of the work for which immediate acceptance is desired shall be filed with the authority having jurisdiction.

SUBSECTION 14.1.13 The granting of a permit for part of a building authorizes work on that part of the building only, and does not assure that the permit for the entire building will be granted. Work not covered by permit shall not be commenced.

SUBSECTION 14.1.14 After issuance of the permit, application may be made for revision of the permit, and such applications shall be made in the same manner as for the original permit.

SUBSECTION 14.2 BUILDING PERMITS

SUBSECTION 14.2.1

(1) Except as permitted in Sentence (2) herein, unless the required permit has first been obtained from the authority having jurisdiction, no person shall commence or cause to be commenced:

- (a) the location, placement, erection or construction of any building or structure or portion thereof;
- (b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
- (c) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;
- (d) underpinning;
- (e) the relocation or removal of any building or structure, or portion thereof;
- (f) the excavation of any land for any purpose of erecting or locating on or above it, any building or structure;
- (g) the installation, construction, repair, renewal, alteration or extension of a mechanical system;
- (h) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or
- (i) the alteration, addition, erection or re-erection of a sign.

(2) A building permit is not required for:

- (a) patching, painting or decorating;
- (b) replacement of stucco, siding or shingles with the same material;
- (c) replacement of doors or windows when the opening is not altered;
- (d) replacement of open landing and stairs;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) a detached accessory storage building not greater than 10 m² in building area;
- (h) non-structural alterations or repairs where the value of such work is less than five thousand dollars (\$5,000.00).

(3) Notwithstanding that a building permit is not required as stated in aforesaid Sentence 14.2.1(2), such work shall comply with the regulations of this Bylaw or the Code or other applicable Bylaws and the work shall not place the building or structure in contravention or further contravention of the Code or any other By-law.

SUBSECTION 14.2.2 Except as otherwise allowed by the authority having jurisdiction, every application for a building permit shall

- (a) identify and describe in detail the work and major occupancy to be covered by the permit for which application is made;
- (b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
- (c) include a plot plan showing the street lines or other boundaries of the property upon which it is proposed to erect the structure and the location thereof upon the property in relation to the other structures on such property and the premises immediately adjoining;
- (d) include drawings and specifications and show the occupancy of all parts of the building;
- (e) when required for antenna structures, include complete drawings and specifications covering the construction of the antenna structure and accessories thereto, and other information with respect to the building upon which it is proposed to locate the antenna structure as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the antenna structure without exceeding the stress requirements;
- (f) state the valuation of the proposed work, and be accompanied by the required fee;
- (g) state the names, addresses and telephone number of the applicant, owner, architect, professional engineer or other designer, contractor and subcontractors;
- (h) include proof of acceptance (e.g. letter or permit), when necessary, from other authorities; and
- (i) certificate of title.

SUBSECTION 14.2.3

- (1) The authority having jurisdiction may place a valuation on the cost of the work for the purpose of determining what permit fees are applicable.
- (2) The valuation to be shown of an application for a building permit shall mean the total monetary worth of all construction work including all painting, papering, roofing, electrical and mechanical work, plumbing, permanent or fixed heating equipment, and any permanent equipment and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any building including mechanical, electrical and plumbing work, shall be excluded from the valuation of the building permit because of any other permits required by any governing By-law, regulation or agency.
- (3) Notwithstanding the provisions of Sentence (2) aforesaid, the valuation for a building permit in the case of a removal or relocation, shall include the cost to move the building, excavation at the new site, cleaning and leaving the former site in the condition specified in this by-law or in the Code, and alterations or repairs to the building.
- (4) Every owner, architect, professional engineer, contractor or builder, having contracted for or having performed, supervised or inspected any work of construction, alteration or repairs on any land, or the agent of such person, shall give, in writing over his signature when requested by the authority having jurisdiction all the information in his power with respect to the cost of the work.
- (5) This building permit shall expire within 24 months within the date of making and at any time within the 24 month period mentioned, the owner/applicant may extend the period for one additional period of not more than 12 months.

SUBSECTION 14.3 TEMPORARY BUILDING PERMITS

SUBSECTION 14.3.1

- (1) Notwithstanding anything contained elsewhere in this by-law or in the Code, a permit for a temporary building may be issued by the authority having jurisdiction, authorizing for a limited time only, the erection and existence of a building or part thereof for an occupancy

which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the Code.

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

SUBSECTION 14.3.2 A temporary building may be subject to approval of Council before being permitted for:

- (a) a mobile home utilized as a residence while a permanent dwelling is being constructed on the same site, or
- (b) the following major occupancy classifications:
 - (i) All Divisions, Group A *assembly occupancies*
 - (ii) Group C *residential occupancies*
 - (iii) Group D *business & personal services occupancies* and
 - (iv) Group E *mercantile occupancies*

SUBSECTION 14.3.3 A temporary building shall not exceed one (1) storey in height.

SUBSECTION 14.3.4 A temporary building shall be permitted for a period not exceeding one (1) year, on the condition that the temporary building shall be removed before the expiration of the specified period of time, except that this period may be extended when warranted in the opinion of the authority having jurisdiction.

SUBSECTION 14.3.5 The temporary building shall be properly maintained at all times.

SUBSECTION 14.3.6 The temporary building shall be subject to any other conditions that may be specified by the authority having jurisdiction.

SUBSECTION 14.3.7 Temporary buildings to be used in connection with construction work may be erected or placed, but shall be removed immediately upon completion of the construction work.

SUBSECTION 14.4 DEMOLITION PERMITS

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

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

and the applicant shall have posted with the R.M. a damage deposit as per The R.M. of Headingley Fee By-law, which the R.M. shall be entitled to apply to if expenses and costs in rectifying any noncompliance with the permit and/or this by-law and for any other expenses occasioned in relation to the demolition of a building.

SUBSECTION 14.4.2 Notwithstanding the requirements of Subsection 14.1.3 aforesaid, every demolition permit is issued upon the condition that:

- (a) the demolition be commenced within the time stated on the permit, except that, if no time is so stated on the permit, the demolition shall be commenced within thirty (30) days of the issuance of the permit;
- (b) the demolition be actively carried out thereafter, and further, in the case of a one or two family dwelling, be completed within thirty (30) days of commencement of work; and
- (c) no modifications to the accepted method of demolition be made without prior approval of the authority having jurisdiction.

SUBSECTION 14.4.3 The requirements pertaining to demolitions are contained in Section 16 herein.

SUBSECTION 14.5 PLUMBING PERMITS AND CERTIFICATES

SUBSECTION 14.5.1

- (1) Except as provided in sentence (2) herein, a plumbing system shall not be constructed, extended, altered, renewed or repaired unless a plumbing permit to do so has been obtained.
- (2) A plumbing permit is not required when
 - (a) stoppage in the drainage system is cleared;
 - (b) a leak is repaired in a water distribution system;
 - (c) a fixture is replaced without any change to the drainage system; or
 - (d) a replacement is made to existing faucets, service water heater, valves or pipes and fittings in a water distribution system.
- (3) Plumbing permits shall be issued by the authority having jurisdiction only to
 - (a) a Province of Manitoba licensed plumbing contractor;
 - (b) a person to do work on a single family dwelling owned by him, and occupied by him, only as his domestic domicile; and
 - (c) a building contractor constructing a single family dwelling.
- (4) A plumbing permit shall not be transferable.

SUBSECTION 14.5.2

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

SUBSECTION 14.5.3 The authority having jurisdiction may place a stop work order on a plumbing permit issued pursuant to paragraphs (b) or (c) of Sentence 14.5.1 (3) aforesaid, if during the course of inspection the authority having jurisdiction is satisfied that the work in question is not being completed by a person who, in the opinion of the authority having jurisdiction, is qualified to complete the work in accordance with the code before lifting the stop work order.

SUBSECTION 14.5.4 Notwithstanding anything elsewhere contained in this by-law, if the work being carried out under a plumbing permit issued pursuant to sentence 14.5.1(3) aforesaid has not been completed within twenty-four (24) months from the date of issuance of the permit, the permit shall expire and a new permit required before any further work is to commence. The owner/applicant may extend the period for one additional period of not more than 12 months.

SUBSECTION 14.5.5 When a plumbing system has been completed and has been accepted, the authority having jurisdiction, when requested shall issue a certificate of plumbing inspection to the owner and/or to the plumbing contractor.

SUBSECTION 14.6 SIGN PERMITS

SUBSECTION 14.6.1

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

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

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

SUBSECTION 14.6.2 Except as otherwise allowed by the authority having jurisdiction, every application for a sign permit shall provide the following information:

- (a) the street and street number of the building or structure to which the sign is, or is to be attached, or the structure to which the sign is attached, or the legal description of the land on which the sign is to be located;
- (b) the maker's name and address;
- (c) the names, addresses and telephone number of the applicant, owner, architect, professional engineer or other designer, and contractor;
- (d) the sign surface area and copy area of the sign, drawn to scale, giving all dimensions, plus the supporting members;
- (e) the maximum height and clearance of the sign;
- (f) the weight, voltage, and wattage of the sign where applicable;
- (g) the dimensions of the wall surface of the building to which the sign is to be attached;
- (h) a site plan, drawn to scale, showing the proposed location of the sign in relation to the boundaries of the lot and the dimensions of the building and/or the lot upon which it is to be situated, and in the case of the projecting signs the width of the sidewalk over which it projects;
- (i) size and location of all signs of the same classifications existing on the premises and/or the building;
- (j) structural, footing details, and material specifications;
- (k) in the case of electrical signs, the size, number and location of all potential discharge tubes, fluorescent and incandescent lamps, current and voltage rating and circuit loading for each sign;
- (l) if the sign is illuminated or animated the colour to be used and the technical means by which this is to be accomplished;
- (m) when required, complete drawings and specifications covering the construction of the sign and accessories thereto, and other information with respect to the building upon which it is proposed to locate the sign as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the sign without exceeding the stress

requirements.

SECTION 15 OCCUPANCY

SUBSECTION 15.1 REQUIREMENTS FOR OCCUPANCY

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

SUBSECTION 15.1.2 A Building Occupancy Permit is required for a building or structure or part thereof:

- (a) for any new building or structure or portion thereof except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (b) for any existing building or structure where an alteration is made thereto, except as single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (c) for a change from one Major Occupancy Group to another or a change from one Division to another within a Major Occupancy Group in any existing building or structure, or part thereof;
- (d) for a change from one use to another within the same Division in a Major Occupancy Group which results in an increase in the occupant load;
- (e) for a change or addition of an occupancy classification of a suite in a building; and
- (f) for a change from a use not previously authorized to a new use.

SUBSECTION 15.1.3 The authority having jurisdiction may issue an Interim Building Occupancy Permit for a partial use of a building or structure subject to any conditions imposed by the authority having jurisdiction.

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

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

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

SUBSECTION 15.1.7 The authority having jurisdiction may issue a Temporary Building Occupancy Permit for the use of a building or structure approved as a temporary building or structure.

SUBSECTION 15.1.8 A Temporary Building Occupancy Permit shall be for a period of not more than six (6) months, but before the expiration of such period, the Temporary Building Occupancy Permit may be renewed by the authority having jurisdiction for two further six month periods.

SUBSECTION 15.2.9 Notwithstanding apparent compliance with this Bylaw, the authority having jurisdiction may refuse to issue a Building Occupancy Permit if the building, structure or proposed use is to the authority having jurisdiction's knowledge in violation of a Zoning Bylaw, or any other Bylaw of the R.M..

SUBSECTION 15.2.10 An applicant for a Building Occupancy Permit shall supply all information requested by the authority having jurisdiction to show compliance with this Bylaw and any other relevant Bylaws of the R.M..

SUBSECTION 15.2.11 Before the issuance of a Building Occupancy Permit, the necessary fees shall be paid in advance.

SUBSECTION 15.2.12 The required Building Occupancy Permit shall be displayed and maintained in a legible condition by the Owner or his agent in a location acceptable to the authority having jurisdiction.

SECTION 16 REMOVAL, RELOCATION, OR DEMOLITION OF A BUILDING OR STRUCTURE

SUBSECTION 16.1 REGULATIONS

SUBSECTION 16.1.1

(1) This Section provides regulations for:

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

(2) Notwithstanding anything elsewhere contained in this by-law a building or structure to be moved onto a site in the R.M. from a site outside the R.M. shall comply with the regulations of this by-law and the Code for new construction.

SUBSECTION 16.1.2

(1) The relocation of a building or a structure shall not be permitted unless all regulations of this by-law and the Code for new construction are complied with unless otherwise excepted under Subsection 11.3 aforesaid.

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

SUBSECTION 16.1.3 A building or structure shall not be removed or relocated within the R.M. or moved into the R.M. from any area outside of the R.M. if the building or structure, in the opinion of the authority having jurisdiction

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

SUBSECTION 16.1.4 If the building or structure move or relocation is approved, subject to any repairs or alterations being made, the authority having jurisdiction has the option to require a performance agreement by way of:

- (a) a certified cheque for the estimated value of the cost of the labour and materials to perform the work or;
- (b) an irrevocable letter of credit from a bank or credit union in an amount and for a term as acceptable to the R.M. of Headingley.

The cheque or letter of credit will be attached to a performance agreement to be signed by the owner and presented to Council at a regular meeting.

SUBSECTION 16.2 APPLICATIONS

SUBSECTION 16.2.1 Upon application for a permit to demolish, relocate, or remove a building or structure, the applicant shall submit written confirmation from the R.M. that the taxes on the land and building or buildings, or structures have been paid in full, and that the land and building or buildings, or structures have not been sold for taxes, and if so sold, have

not been redeemed.

SUBSECTION 16.2.2 The authority having jurisdiction may require that an application for a permit to remove, relocate or demolish a building or structure contain one or more of the following:

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

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

- (a) notify the gas, electric, telephone companies, cable companies or utilities to shut off and/or remove their service and no work shall be carried out until these services have been shut off and/or removed;
- (b) plug the sewer service line one metre from the main line with a stopper and disconnect the water service line at the watermain as applicable. Any R.M. of Headingley property disturbed as a result of these disconnections, is to be restored to original condition as approved by the authority having jurisdiction and the R.M. of Headingley;
- (c) upon completion of the removal or demolition, put the site in a safe, level and sanitary condition to the satisfaction of the authority having jurisdiction;
- (d) during the demolition, set up such barriers as the authority having jurisdiction deems necessary in order to protect the public and adjacent properties from any damage or nuisance during demolition, failing which, the authority having jurisdiction shall be entitled to issue a stop work order in connection with the demolition.

SECTION 17 LOT GRADING AND DRAINAGE

SUBSECTION 17.1 GENERAL

SUBSECTION 17.1.1 Unless otherwise accepted by the authority having jurisdiction, all buildings shall be provided with roof drains or roof gutters and leaders.

SUBSECTION 17.1.2 Where buildings are required to be provided with a subsurface drainage system, the system shall be designed, constructed and maintained in accordance with the requirements as detailed in Schedule B.

SUBSECTION 17.1.3 Where leaders are provided and are not connected to a sewer, provision shall be made to prevent soil erosion, and extensions or splash pads shall be provided to carry the rain water a minimum of 1.3 metres (4.3 feet) from the building.

SUBSECTION 17.1.4 Unless otherwise accepted by the authority having jurisdiction, roof drainage or surface drainage shall not be discharged on public sidewalks, stairs or neighbouring property and shall be conveyed so as not to cause dampness in the walls, ceilings, or floors at any portion of the building itself or any adjacent building.

SUBSECTION 17.2 INTENT OF THIS SECTION

The intent of this section is to establish regulations governing the grading of property for purposes of managing storm water runoff in order to minimize:

- (a) the infiltration of storm water into the wastewater sewer system via building foundation drains;
- (b) any nuisance that may be caused to property by storm water runoff.

SUBSECTION 17.3 APPLICATION FOR LOT GRADING PERMIT

All applications for Lot Grading Permits shall be made at the R.M. office.

SUBSECTION 17.3.1 RESIDENTIAL PROPERTY LOT GRADING PERMIT APPLICATION

The applicant shall obtain a LOT GRADING PERMIT prior to the issuance of a "building permit" to construct a building on residential property. The application shall be accompanied by:

- (a) three copies of a site plan showing the location of the proposed building and present or proposed driveways, garages, swimming pools, roof drain downspouts, sump pump discharge pipe and any other information the Development Officer deems to be pertinent to the grading of the lot;
- (b) three copies of a plan showing a section of the foundation and first floor of the building to be constructed and any additional section views that the Development Officer requires for multi-level buildings.

SUBSECTION 17.3.2 COMMERCIAL, INDUSTRIAL AND MULTIPLE-RESIDENTIAL SITES LOT GRADING PERMIT APPLICATION

The applicant shall obtain a LOT GRADING PERMIT prior to the issuance of a "building permit" to construct a building(s) intended for use as a commercial, industrial and multiple-residential sites. The application shall be accompanied by:

- (a) three copies of a lot grading plan for the site, prepared by a Professional Engineer. This plan, where applicable, shall show:
 - (i) building location(s)
 - (ii) lot grade elevations
 - (iii) catch basin locations
 - (iv) land drainage sewer sizes and locations
 - (v) entrances to buildings
 - (vi) roof drain downspouts and sump pump discharge pipe locations
 - (vii) paved areas

and any other information the Development Officer deems to be pertinent to the grading of the lot;

In special cases, where applicable, the Development Officer in his discretion may waive some of the requirements of the lot grading plan.

- (b) three copies of a plan showing a section of the foundation and floors of the building(s) to be constructed, and any additional section views that the Development Officer requires.

SUBSECTION 17.3.3 EXISTING LOT GRADING CHANGES

Prior to obtaining a LOT GRADING PERMIT no person shall proceed with any work that may alter or otherwise change the grading of a lot or property in any manner that may affect the existing or established storm water runoff from that or any adjacent property.

SUBSECTION 17.3.4 TIMING OF APPLICATION

The applicant shall make application for a LOT GRADING PERMIT at least five (5) working days prior to the issuance of the building permit.

SUBSECTION 17.3.5 PERMIT DENIAL

The Development Officer may deny the issuance of a LOT GRADING PERMIT where, in his opinion, it is in the public interest to do so.

SUBSECTION 17.3.6 APPEAL PROCESS

The applicant has the right of appeal to the R.M. of Headingley if the issuance of a LOT GRADING PERMIT has been denied. If the Applicant's appeal is successful, Council shall by resolution, authorize the Development Officer to issue the permit.

SUBSECTION 17.4 LOT GRADING REQUIREMENTS

Lot grading shall be an integral part of the storm water drainage system for the R.M..

SUBSECTION 17.4.1 LOT GRADING PERMIT

The LOT GRADING PERMIT shall have indicated on it the approved lot grade elevations, and shall be accompanied by any lot grading plan approved in conjunction with the issuance of the permit. Any lot grading plan so approved shall become part of the LOT GRADING PERMIT.

SUBSECTION 17.4.2 BUILDING LOT GRADE

The "Building Lot Grade" shall be as indicated on the LOT GRADING PERMIT.

SUBSECTION 17.4.3 RESIDENTIAL PROPERTY LOT GRADING

Residential property lot grading is typically undertaken by the following ways (refer to Schedule C, Types I and II):

- (a) Type I Lot Grading: Residential Split Lot Drainage.
- (b) Type II Lot Grading: Residential Back-to-Front Lot Drainage.

SUBSECTION 17.4.4 PERCHING OF RESIDENTIAL PROPERTY

Residential property shall be graded and landscaped to achieve a "perching" of soil surrounding the perimeter of a building. The "perching" shall be constructed to provide effective positive drainage away from the building.

SUBSECTION 17.4.5 LOT LINE GRADING

Each lot shall be graded in such a manner as to allow storm water to drain along the lot line without ponding or obstruction, in accordance with the LOT GRADING PERMIT.

SUBSECTION 17.4.6 SPECIAL SITE CONDITIONS OF RESIDENTIAL PROPERTY

The requirements of this by-law may be varied to resolve particular site conditions provided the intent of the by-law is met. Examples of special site conditions include, but are not limited to, the following:

- (a) Corner lots
- (b) Restricted side yard lots
- (c) Infilling of developed areas
- (d) Construction of garage
- (e) Installation of swimming pool
- (f) Rural residential lots

Any such variation must be approved by the Development Officer and noted on the LOT GRADING PERMIT.

SUBSECTION 17.4.7 COMMERCIAL, INDUSTRIAL & MULTIPLE RESIDENTIAL LOT GRADING

In designated areas of the R.M., storm water runoff from commercial, industrial and multiple-residential properties may be required to be controlled so as not to exceed the maximum allowable rate of storm water discharge into the R.M.'s land drainage system, as may be determined by the Development Officer.

SUBSECTION 17.4.8 ROOF DOWNSPOUTS

All building roof downspouts shall be located such that effective positive drainage away from the building is achieved. All downspouts shall discharge through a suitable elbow onto a splash pad or by an equivalent method approved by the Development Officer.

Building roof downspouts shall not be located nor directed so as to cause storm water to drain directly onto adjacent property.

SUBSECTION 17.4.9 SUMP PUMP DISCHARGE PIPE

All sump pump discharge pipes discharging weeping tile water shall be located such that effective positive drainage away from the building is achieved. These sump pump discharge pipes shall be fitted with a suitable elbow and shall discharge onto a splash pad or by an equivalent method approved by the Development Officer, and shall not be located nor

directed so as to cause discharge water to drain directly onto adjacent property and streets.

Sump pump installation requirements are specified in the Manitoba Plumbing Code or any applicable by-law passed by the authority for the R.M. of Headingley and any amendments thereto.

SUBSECTION 17.4.10 WASTEWATER SEWER CONNECTION

The "Building Lot Grade" elevation shall be established at sufficient elevation to ensure that the wastewater sewer connection from the building conforms to the requirements of the R.M..

SUBSECTION 17.4.11 DRIVEWAY

A driveway within a lot shall be constructed such that it will not impede the storm water runoff. No driveway shall restrict or obstruct drainage of storm waters away from the building, nor from the rear yard in "back-to-front" lot grading (Type II Lot Grading).

SUBSECTION 17.4.12 GARAGES

A garage, attached or detached, shall be constructed such that it will not impede the storm water runoff. No garage shall restrict or obstruct drainage of storm waters in the side or rear yard of that lot, nor of adjacent lots.

SUBSECTION 17.5 LOT GRADING CONSTRUCTION

SUBSECTION 17.5.1 MARKING OF RESIDENTIAL PROPERTY

The Applicant, upon receiving a LOT GRADING PERMIT, shall mark the corners of the lot or property with suitable marker stakes, and shall display the address and lot number at a conspicuous location.

SUBSECTION 17.5.2 PROVISION OF BUILDING LOT GRADE STAKE

The Owner or its agent shall:

- (a) mark the Building Lot Grade on a stake located at the street line of the lot;
- (b) mark the corner lot grade elevations upon suitable stakes at each lot corner.

The applicant shall take precautions to ensure that these lot grade stakes are protected until no longer required.

SUBSECTION 17.5.3 ENTERING UPON PROPERTY

Duly authorized employees of the R.M. or its agent so assigned bearing proper credentials and identification may, subject to the provisions of the Municipal Act, enter upon any property for the purpose of survey, observation or inspection associated with enforcement of compliance with the LOT GRADING PERMIT and provisions of this by-law.

The applicant shall ensure that employees of the R.M. or its agent are not interfered with in any way in the performance of the duties imposed on them by the by-law.

SUBSECTION 17.5.4 COMPLIANCE WITH LOT GRADING PERMIT

The applicant shall ensure that all construction and lot grading on a lot or property is completed in accordance with the requirements of the LOT GRADING PERMIT.

SUBSECTION 17.5.5 RELEASE OF LOT GRADING DEPOSIT

The R.M. shall, upon written request from the applicant to the Development Officer, cause the lot or property to be inspected to determine compliance with the LOT GRADING PERMIT. The LOT GRADING REPORT referred to in Clause 17.6.2 shall be released to the applicant or such other person authorized in writing by said applicant when the Development Officer has determined that the landscaping of the property has been substantially completed. Substantial completion shall mean the completion of the perching surrounding the building exclusive of topsoil and sod, and the completion of the remaining lot grading to the stage where topsoil and placement of sod may begin.

Inspections and surveys for the purpose of deposit release will generally be made during the period May 1st to October 31st of each year.

SUBSECTION 17.5.6 EXTENSION OF TIME FOR COMPLETION

Notwithstanding section 17.5.4 aforesaid, the Development Officer may extend the time for

completion of the lot grading where in his opinion the circumstances so warrant it.

SUBSECTION 17.6 FEES AND DEPOSITS

SUBSECTION 17.6.1 FEES

The applicant shall be required to pay to the R.M. the applicable fee for a LOT GRADING PERMIT, as set out in the R.M.'s Fee By-law. This fee shall be paid prior to the issuance of the LOT GRADING PERMIT.

SUBSECTION 17.6.2 LOT GRADING DEPOSIT

The applicant shall be required to deposit with the R.M. an applicable sum for a LOT GRADING DEPOSIT, as set out in the R.M.'s Fee By-law.

This sum shall be deposited prior to the issuance of a LOT GRADING PERMIT. This deposit shall be retained by the R.M. until such time as the lot grading is substantially completed in accordance with Section 17.5.5 aforesaid.

SUBSECTION 17.7 RESPONSIBILITIES OF PROPERTY OWNER

SUBSECTION 17.7.1 MAINTENANCE OF LOT GRADING

The owner shall be responsible to ensure the maintenance of all lot grades which were established and approved by the R.M. prior to the passage of this by-law or established by a LOT GRADING PERMIT.

SUBSECTION 17.7.2 CONTROL OF STORM WATER

The owner shall be responsible to ensure that any storm water originating on his property is not directed nor permitted to flow onto adjacent property in a manner that would adversely affect or be detrimental to that property.

SUBSECTION 17.7.3 MAINTENANCE OF ROOF DOWNSPOUTS, SUMP PUMP DISCHARGE PIPE AND SPLASH PADS

The owner shall be responsible to ensure that roof downspouts, sump pump discharge pipe and splash pads or their approved equivalent are maintained so as to meet the requirements set forth in Section 17.4.8. and 17.4.9. of this by-law.

SUBSECTION 17.8 REMEDIAL ACTION

SUBSECTION 17.8.1 NON-COMPLIANCE WITH LOT GRADING

Where, in the opinion of the Development Officer, the lot grading has not been completed in accordance with the LOT GRADING PERMIT, the Development Officer may give written notice by certified mail to the Applicant, at the address on the application directing that the said lot grading be completed and/or corrected in accordance with the permit, within the time limit specified by the Development Officer in the notice. The notice will be deemed to be delivered 4 days after mailing.

Where required by the Development Officer the applicant shall submit, as part of the corrective measures, a new lot grading plan prepared by a Professional Engineer who is licensed in the Province of Manitoba and approved by the R.M.

SUBSECTION 17.8.2 FAILURE OF OWNER TO MAINTAIN LOT GRADING

Where in the opinion of the Development Officer, the lot grading has not been properly maintained and drainage is not achieved in accordance with previous established and approved Building Lot Grade and Lot Grade Elevations or with the LOT GRADING PERMIT and the requirements of this by-law, the Development Officer may give a written notice by certified mail to the owner, directing that the said lot grading be corrected in accordance with the permit, within the time limit specified by the Development Officer.

Where required by the Development Officer, the owner shall submit, as part of the remedial measures, a new lot grading plan prepared by a Professional Engineer who is licensed in the Province of Manitoba and approved by the R.M.

SUBSECTION 17.8.3 FAILURE TO COMPLY WITH LOT GRADING PERMIT

Where an applicant who has been given a notice, order or direction by the Development Officer to complete the grading of a lot in accordance with the LOT GRADING PERMIT

neglects or refuses to comply with such order or direction in the opinion of the Development Officer within the time specified, the Development Officer may cause the work to be carried out by the R.M. and charge the cost of the work against the deposit held by the R.M.. Where the cost of the work exceeds the value of the deposit held, the R.M. may charge the cost of such excess against the Applicant; and in default of payment, recover the cost as a debt due to the R.M..

SUBSECTION 17.8.4 FAILURE OF OWNER TO CORRECT LOT GRADING

Where an owner who has been given a notice, order or direction by the Development Officer pursuant to Section 17.8.3 aforesaid neglects or refuses to comply with such order or direction within the time specified, the Development Officer may cause the work to be carried out by the R.M. and charge the cost against the Owner, and in default of payment:

- (a) recover the cost as a debt due to the R.M.; or
- (b) charge the cost against the land concerned as taxes due and owing in respect of that land, and recover the cost as such.

SECTION 18 SIGNS

SUBSECTION 18.1 GENERAL

SUBSECTION 18.1.1

- (1) Signs encroaching on or over public property shall require permission from Council and an Encroachment Agreement.
- (2) Signs shall also comply with the Zoning By-law.

SUBSECTION 18.1.2

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

- (a) 0 to 750 volts
 - (i) horizontally 600 mm
 - (ii) vertically 1 mm
- (b) 750 to 22,000 volts
 - (i) horizontally 1.2 m (3.9 ft.)
 - (ii) vertically 3.0 m (9.8 ft.)
- (c) 22,000 to 50,000 volts
 - (i) horizontally 2.0 (6.6 ft.)
 - (ii) vertically 4.0 m (13.1 ft.)

(2) The minimum clearances listed in Sentence (1) apply under conditions of maximum sag and maximum swing of the conductor for vertical and horizontal clearances respectively.

(3) A clearance of at least 1 m (3.3 ft.) shall be maintained between Hydro poles and other fixtures lawfully erected and any part of a sign and its accessories.

(4) No sign shall be erected, constructed or maintained in any manner which will obstruct any fire escape or any window or door or opening used as a required means of egress or so as to prevent free passage from a roof to any other part thereof. No sign or antenna structure shall be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening for required light or ventilation.

SUBSECTION 18.1.3

(1) All signs, including supports, shall be kept in proper repair and appearance and in the case of electric signs, the lamps and other electrical apparatus connected thereto shall be maintained in efficient operative condition.

(2) No owner or agent shall maintain a sign heretofore erected unless the same be supported in an adequate manner properly fastened by supports, braces, and guys of suitable size and strength.

(3) No owner or agent shall maintain or permit any sign to be maintained including any guys, stay or attachment connected therewith which interferes with any light, power, telephone, or transit pole or wire or any fire escape or any apparatus or appliance connected therewith.

SUBSECTION 18.1.4

(1) All existing signs which are in a safe condition as far as fire safety, structural and location requirements are concerned as determined by the authority having jurisdiction, may be maintained, but no such sign when once removed shall be replaced whether on the same building or elsewhere without complying with the provisions of this by-law and the Code.

(2) The authority having jurisdiction authority may order any existing sign which is unsafe from the standpoint of fire safety, structural safety or location as he determines, ordered to be made safe or removed.

SUBSECTION 18.1.5

(1) No sign shall be structurally altered, rebuilt, enlarged, extended or re-located except in conformity with the provisions of this by-law.

(2) The changing of removable parts of signs that are designed for changes, repairs, or the repainting of display matter shall not be deemed to be alterations within the meaning of this Section, although such work shall comply with the Zoning By-law.

(3) The authority having jurisdiction may refuse to issue a sign permit if, in his opinion, the sign may interfere or otherwise obstruct traffic lights, or in any way interfere with visibility from any street.

SUBSECTION 18.2 CONSTRUCTION AND DESIGN

SUBSECTION 18.2.1 All signs shall be designed and constructed as herein provided and in accordance with Part 4 of the Code and shall be designed to resist live and dead loads. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations of the signs. For signs on buildings, the load shall be transmitted through the structural frame of the building to the ground in such manner as not to over-stress any of the elements thereof.

SUBSECTION 18.2.2 Where signs and supports are not under design of a professional engineer, the supporting cable and turnbuckles, when used, shall meet the minimum requirements of Tables 1 and 2 herein. The number of supports and fittings shall be dependent on the size, shape, protection and loads of the sign and the various forces acting on same.

SUBSECTION 18.2.3 Every sign, hereinafter erected shall be plainly marked with the name of the contractor or erector, size and weight, voltage and wattage and said information must be readily visible after its erection.

SUBSECTION 18.2.4 Accepted combustible plastics may be used in the construction of signs where, in this by-law, non-combustible materials are required, provided the combustible plastic materials conform to CSA Standard C22.2 No 2 - Construction and Test of Electrical Signs. All electrical signs shall be constructed in conformance with the Manitoba Electrical Code.

TABLE 1
Forming Part of Article 18.2.2

GALVANIZED 7 STEEL WIRE STRAND CABLE

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

3/8	9.53	3,750	16680
Column 1		2	

TABLE 2
Forming Part of Article 18.2.2

TURNBUCKLES
Drop Forged-Galvanized

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

SUBSECTION 18.3 FREE STANDING SIGNS

SUBSECTION 18.3.1 All free-standing signs shall be constructed of non-combustible materials throughout except that

- (a)signs not exceeding 4.6 m (15 ft.) above the surface of the ground at any point may be constructed of combustible material; and
- (b)signs not exceeding 7.5 m (24.6 ft.) above the ground at any point shall be constructed with non-combustible columns and braces and supports, and may have the display area including backing thereof constructed of combustible materials.

SUBSECTION 18.3.2 All free-standing signs exceeding 7.6 m (24.9 ft.) in height above the adjacent finished ground shall be structurally designed by a professional engineer.

SUBSECTION 18.3.3 The foundation of all free-standing signs exceeding 4.6 (15 ft.) m in height shall be of concrete, in accordance with Part 4 of the latest edition of the Manitoba Building Code.

SUBSECTION 18.3.4 The minimum clearances of free-standing signs shall be as follows:

- (a)no portion of any free-standing sign shall hereafter be erected within 1200 mm of any property line or from a wood frame building which is on the same property, unless such sign is constructed entirely of non-combustible materials except for the display area and backing of a sign;
- (b)no portion of any free-standing sign with structural members of combustible materials shall hereafter be erected within a distance equivalent to the height of the structure from any property line abutting a street;
- (c)there shall be a clearance of at least 1200 mm between any portion of a free-standing sign in front of any required opening in the exterior wall face of a building erected on the same property; and
- (d)projections associated with free-standing signs such as guys, stays and other attachments such as reflectors used to illuminate shall not be permitted lower than 2.6 m (8.5 ft.) above the surface of the ground at any point.

SUBSECTION 18.4 ROOF SIGNS

SUBSECTION 18.4.1 All roof signs, including uprights, supports and braces and display area shall be of non-combustible construction, except:

- (a)the accepted combustible plastics as per section 18.2.4 may be used as facing materials and as letters and decorations; and

(b) that the display area and molding may be of combustible materials provided such a sign

(i) is less than 7.6 m (24.9 ft.) in height measured from the roof surface, and

(ii) is less than 37 m² (398.2 sq. ft.) on any one side.

SUBSECTION 18.4.2 All roof and wall mounted sign structures, including uprights, supports and braces and display area shall be of non-combustible construction, unless the building on which the sign is located is permitted to be of combustible construction.

SUBSECTION 18.4.3 All roof signs shall be structurally designed by a professional engineer when exceeding either 100 kg in weight or 10 m² (107.6 sq. ft.) in area on any one side.

SUBSECTION 18.4.4 Clearance and access about roof signs shall be as herein provided

(a) passage clear of all obstructions, except for necessary horizontal supports not more than 600 mm from the roof surface, shall be left under or around and immediately adjacent to all roof signs exceeding 900 mm above the roof surface. Such passage shall be not less than 900 mm wide by 2 m (6.6 ft.) high and shall be at parapet or roof level;

(b) there shall be one such passage or access opening as follows:

(i) for each roof sign upon a building

(ii) for every 15 m (49.2 ft.) of horizontal roof sign extension, and

(iii) within 6 m (19.7 ft.) of walls and parapets when roof signs are located at an angle of 45 degrees or greater to a face of the building;

(c) there shall be a clearance of at least 1200 mm between any portion of the roof sign and any opening in the exterior wall face or roof of the building on which it is erected; and

(d) no portion of any roof sign shall be erected within 1200 mm of any wood frame wall extending above the roof line of the same building unless such sign is constructed entirely of non-combustible material, and the proper clearances as aforesaid are maintained.

SUBSECTION 18.4.5 In no case shall a roof sign or any part thereof including any supports and braces project beyond the exterior surface of the exterior wall of the building to which it is attached.

SUBSECTION 18.5 FACIA SIGNS

SUBSECTION 18.5.1 All facia signs shall be constructed of non-combustible materials throughout when such signs:

(a) exceed 3.7 m (12.1 ft.) on walls required to be of non-combustible construction materials;

(b) are located more than 7.6 m (24.9 ft.) above grade; or

(c) are located within 600 mm of any window, fire escape or exit above the second storey floor line.

SUBSECTION 18.5.2 No facia sign shall be permitted to be supported by an unbraced parapet wall unless the structural stability of the parapet wall is adequate.

SUBSECTION 18.5.3 Facia signs may project above the top of the roof or parapet wall immediately adjacent thereto a distance not exceeding 900 mm provided that the means of egress to and egress from the said roof are adequate, and that the structural stability of the parapet wall is adequate.

SUBSECTION 18.5.4 Projections associated with facia signs such as guys, stays and other attachments such as reflectors used to illuminate, shall not be permitted lower than 2.6 m above the surface of the ground at any point.

SUBSECTION 18.5.5 Facia signs shall be securely attached to the building or structure by means of metal anchors, bolts or expansion screws. Such signs shall not be fastened by nails or staples to wooden blocks or nailing strips built into masonry.

SUBSECTION 18.6 PROJECTING SIGNS

SUBSECTION 18.6.1 All projecting signs including frames, braces and supports shall be constructed of non-combustible materials except that:

- (a) accepted combustible plastics (see Article 18.2.4 aforesaid) may be used as facing materials, letters and decorations; and
- (b) non-structural members of signs exceeding 2 m² (21.5 sq. ft.) in area may be of wood, metal, accepted plastics or combination thereof.

SUBSECTION 18.6.2 Covers of the service opening shall be securely fastened by chains and/or hinges.

SUBSECTION 18.6.3 Projecting signs shall not be attached or fastened in any manner to parapet walls unless designed by a professional engineer.

SUBSECTION 18.6.4 Projecting signs weighing more than 110 kg. (242.5 lbs.) shall be structurally designed by a professional engineer.

SUBSECTION 18.6.5 Projecting signs shall be adequately supported by cables, rods, chains or other approved methods. In all cases, each projecting sign weighing more than 22 kg. (48.5 lbs.) shall have at least one accepted fastener passing entirely through the wall or roof of the building to which it is attached.

SUBSECTION 18.6.6 The "A" frames or other similar methods of support used in the construction of projecting signs shall not exceed 1.8 m (5.9 ft.) in overall height above an exterior wall.

SUBSECTION 18.7 AWNING AND SUN VISOR SIGNS

SUBSECTION 18.7.1

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

- (a) the awning or sun visor is constructed entirely of non-combustible materials, and
- (b) a professional engineer certifies that the awning or sun visor, and the supporting structure, are capable of supporting the sign.

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

SUBSECTION 18.8 HOARDING SIGNS

SUBSECTION 18.8.1 No sign shall be placed on any hoarding except those referred to in paragraphs (d) (f) and (g) in Sentence 14.6.1(2) aforesaid.

SUBSECTION 18.9 MARQUEE AND CANOPY SIGNS

SUBSECTION 18.9.1 If any sign other than a projecting sign (as provided in this by-law) is attached to the roof of a marquee or canopy, placed flat against the face or edge of the marquee or canopy or erected over or under a marquee or canopy, such sign shall be constructed in compliance with the following provisions:

- (a) the sign construction shall be of non-combustible materials throughout except that the construction may be equivalent to what is required for the marquee or canopy construction;
- (b) the lowest part of any sign attached to the face or edge or under a marquee or canopy shall not be permitted lower than 2.6 m (8.5 ft.) above grade; and
- (c) no sign attached to a marquee or canopy shall project beyond the face or edges more than 400 mm horizontally.

SUBSECTION 18.10 COMBINATION SIGNS

SUBSECTION 18.10.1 Any combination sign, not specifically allowed by this by-law, may be permitted provided that the construction of the whole sign complies with the most

restrictive provisions of the type of sign so combined.

SUBSECTION 18.11 MOBILE ADVERTISING SIGNS

SUBSECTION 18.11.1 Every mobile advertising sign shall be constructed to the satisfaction of the authority having jurisdiction, shall be designed to resist overturning due to wind loading and shall be approved by either the Canadian Standards Association or the Manitoba Department of Labour.

SECTION 19 MARQUEES, CANOPIES, AWNINGS AND SUN VISORS

SUBSECTION 19.1.1 Except as permitted in Article 19.2.1 herein, all marquees, canopies, awnings and sun visors shall be constructed of non-combustible materials except where they are attached to an exterior wall of a building permitted to be of combustible construction and are located not more than two (2) storeys above grade.

SUBSECTION 19.1.2 All marquees, canopies, awnings and sun visors shall be designed to sustain the dead and live loads that may be imposed thereon.

SUBSECTION 19.1.3 The roof of all marquees, canopies and awnings shall be drained in an acceptable manner (as per provision in Manitoba Plumbing Code).

SUBSECTION 19.1.4 The minimum headroom of a marquee, canopy, awning or sun visor over an entrance or sidewalk shall be 2.6 m (8.5 ft.).

SUBSECTION 19.1 COMBUSTIBLE TEXTILE COVERINGS

SUBSECTION 19.2.1 Combustible textile coverings may be used on canopies and awnings provided they are located not more than two (2) storeys above grade and provided the material is flame-resistant.

SUBSECTION 19.2.2 Flame-resistance shall be determined in accordance with NFPA Standard No. 701 "Standard Methods of Fire Tests for Flame-Resistant Textiles and Films".

SUBSECTION 19.2.3 The framing of canopies and awnings having combustible textile coverings shall be constructed of non-combustible material.

SUBSECTION 19.3 No electrical wiring, equipment or apparatus shall be attached to or incorporated in a canopy or awning covered with combustible textiles that require periodic flame proofing.

SUBSECTION 19.4 Marquees, canopies, awnings or sun visors encroaching on or over public property (sidewalks, streets, etc.) shall comply with the Encroachment Agreement as authorized by the R.M..

SECTION 20 OFFENSES AND PENALTIES

SUBSECTION 20.1 Any person who contravenes or disobeys, or refuses or neglects to obey

- (a) any provision of the Code or this by-law or any provision of any other by-law that, by this by-law, is made applicable to the R.M. or made applicable to proceedings taken or things done under this by-law; and

- (b) any order or decision of the Council;

for which no other penalty is herein provided is guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars (\$1,000.00) in the case of an individual or five thousand dollars (\$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 such a fine and such an imprisonment.

SUBSECTION 20.2 Where a corporation commits an offence against the Code or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offence, is likewise guilty of the offence and liable, on summary conviction, to the penalty for which provision is made in Subsection 20.1 aforesaid.

SUBSECTION 20.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

DONE AND PASSED by the Council of The Rural Municipality of Headingley, assembled at Headingley in Manitoba, this 22nd day of April, 1997.

RURAL MUNICIPALITY OF HEADINGLEY

Reeve

Municipal Administrator

Read the First time this 25th day of March, 1997

Read the Second time this 8th day of April, 1997

Read the Third time this 22nd day of April, 1997