

# Building By-law

RURAL MUNICIPALITY OF XXXXXXXXXXXX

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WHEREAS, Section 4 of The Buildings Act provides that a Building By-Law may be enacted by the Council of a municipality;

AND WHEREAS, it is deemed desirable and expedient to repeal By-Law No. XXXXXXX, being the Rural Municipality of XXXXXX Building By-Law, and all amendments thereto and substitute therewith a new Building By-Law;

NOW THEREFORE, the Council of the R.M. of XXXXXXX in meeting duly assembled, enacts as follows:

DRAFT

## SECTION 1 TITLE

- 1.1 This by-law may be cited as “The Rural Municipality of XXXXXXXXXXXX Building By-law.”

## SECTION 2 SCOPE

- 2.1 This by-law applies to new and existing construction including the design, construction, erection, placement, alteration, *repair, renovation*, demolitions, *relocation, removal*, occupancy, change in occupancy of any building, erection or *structure* or addition to a building, erection or *structure*.
- 2.2 The building construction *codes* or building construction standards adopted in whole or in part by regulation pursuant to section 3 of The Buildings Act are hereby adopted by the RM of XXXXXX pursuant to section 4 of The Buildings Act and the said *Codes* and standards are incorporated into and form part of this By-law.
- 2.3 This by-law establishes administrative requirements and procedures for the enforcement of the *Code*.

## SECTION 3 DEFINITIONS

- 3.1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in the By-law have the same meaning as the same word and expressions in The Manitoba Building Code, The Buildings Act, The Planning Act and The Municipal Act.
- 3.2 For definition of words used in this By-law that are not included in this section, reference should be made to a standard dictionary.
- 3.3 The words and terms defined in this section appear in italics throughout the text of this By-law.
- 3.4 The words and terms used in this by-law have the following meanings.

**Approved** means *approved* by the *authority having jurisdiction*.

**Authority Having Jurisdiction** means the *Municipal Council* and the designated official, or any person authorized to administer this By-law.

**Awning**, means any roof-like *structure* other than a *marquee* attached to a building in an immovable position and projecting more than twelve (12) inches from the face of the building shall also include sun visors, louvers and other roof-like *structures* used to provide shade.

**Bank** refers to the natural or artificial boundary of a watercourse

**Board** mean the Red River Planning District Board.

**Building drain** means the nominally horizontal piping, including any *offset* that:

- (a) Is located
  - i. Completely below the lowest storey, or
  - ii. Completely in the lowest storey,
- (b) Is at least 4 inches in *size*,
- (c) Is connected at its upstream end to a *soil* or waste stack and stack vent at least 3 inches in *size*, and
- (d) Conducts *sewage*, clear-water waste or storm water to a building sewer.

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

**Canopy** means any roof-like *structure* projecting more than twelve (12) inches 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, Plumbing Code and Fire Code.

**Council** means the *council* for the Rural Municipality of XXXXXXXXXX.

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

**Designated Officer** means an appointee of the *Board*, who issues *permits*, administers and enforces the *Code* and Municipal Zoning By-Law.

**District** means the area governed by the Red River Planning District.

**Drainage system** means an assembly of pipes, fittings, *fixtures*, *traps* and appurtenances that is used to convey *sewage*, *clear-water waste* or *storm water* to a public sewer or a private *sewage* disposal system, but does not include subsoil drainage pipes.

**Fixture** means a receptacle, appliance, apparatus or other device that discharges *sewage* or *clear-water waste* and includes a floor drain.

**Grade** (as applying to the determination of building height) means the average level of finished ground adjoining a building at all exterior walls, as determined by the *authority having jurisdiction* (see *storey*, first.)

**Lot** means a piece, plot or parcel of land or an assemblages of contiguous parcels of land in one ownership, having frontage and/or flank age on a public street.

**Marquee** means any roof-like *structure* constructed and erected as a permanent part of the building over an entrance thereto, and projecting more than 12 inches from the exterior wall of the building.

**Offset** means the piping that connects the ends of 2 pipes that are parallel.

**Owner** means any person, firm or corporation controlling the property under title.

**Permit** means permission or authorization in writing by the *authority having jurisdiction* to perform work regulated by this By-law and, in the case of a *Building Occupancy Permit*, to occupy any building or part thereof.

**Plumbing contractor** means a person, corporation or firm that undertakes to construct, extend, alter, renew or *repair* any part of a plumbing system.

**Potable** means safe for human consumption.

**Relocation** means the moving of an existing building from one location to another location, on the same property.

**Removal** means the moving of an existing building from one property to another property.

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

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

**Sewage** means liquid waste that contains animal, mineral or vegetable matter.

**Shoreline** refers to the edge of a body of water where land meets water, including any alteration or development of that area.

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

- (a) Is a *structure* or any part thereof, or is attached to, painted on, or in any other manner represented on a building,
- (b) Is used to announce, direct attention to, or advertise, and is visible from outside a building.

**Sign, electric** means a *sign* that uses electric lights, such as LEDs, incandescent bulbs, or *illuminated* tubing, either integrated into the lettering, outlining the border, or backlighting a transparent display.

**Sign, free-standing** means any *sign* supported by one or more posts, poles or braces anchored to the ground and not attached to any building.

**Sign, illuminated** means any *sign* lit by external or internal lighting, such as LEDs, lamps, or other light sources.



**Sign, projecting** means a *sign* attached to a building that extends more than 12 inches beyond the building's surface or wall line.

**Sign, roof** means any *sign* erected on or above the roof of a building on the exterior of the building.

**Sign, fascia** means any *sign* attached flush against a wall, column, or recessed surface of a building. It can also span between two or more buildings, connecting their walls. *Fascia signs* include flat and wall *signs*.

**Size** means the physical dimensions, magnitude, or extent of an object, often measured in units such as length, width, height, diameter, or volume.

**Soil-or-waste pipe** means a pipe in a *sanitary drainage system*.

**Structure** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes buildings, mobile homes, walls, fences, *signs*, billboards, poster panels, light standards, swimming pools, etc.

**Trap** means a fitting or device that is designed to hold a liquid seal that will prevent the passage of gas but will not materially affect the flow of a liquid.

**Vent pipe** means a pipe that is part of a *venting system*.

**Venting system** means an assembly of pipes and fittings that connects a *drainage system* with outside air for circulation or air and the protection of *trap seals* in the *drainage system*.

**Water distribution system** means an assembly of pipes, fittings, valves and appurtenances that conveys water from the *water service pipe* or private water supply system to water supply outlets, *fixtures*, appliances and devices.

**Water service pipe** means a pipe that conveys water from a public water main or private water source to the inside of the building.

**Waterbody** refers to lakes, rivers, streams, or any other natural body of water.

## SECTION 4 PROHIBITIONS

- 4.1 Any person who fails to comply with any order or notice issued by the *authority having jurisdiction*, or who allows a violation of the *Code* to continue, contravenes the provisions of this By-Law.
- 4.2 No person shall 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.
- 4.3 No person shall deviate from the *approved* plans and specifications forming a part of the building *permit*, or omit or fail to complete, prior to occupancy, work required by the said plans and specifications, without first having obtained in writing the approval of the *authority having jurisdiction* to do so, except for minor changes which conform to the applicable *Codes* and this By-law.
- 4.4 No person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless a *Building Occupancy Permit* has been issued from the *authority having jurisdiction*.
- 4.5 No person having authority in the construction, reconstruction, demolition, alteration, *removal*, *relocation* or occupancy of a building shall cause, allow or maintain any unsafe condition.
- 4.6 No person shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon, without approval having first been obtained in writing from the *authority having jurisdiction*.
- 4.7 No person shall interfere in any way with the *authority having jurisdiction* or anyone acting under the *approved* authority or by the authorities' instructions, in the performance of any of the duties imposed by this By-law.
- 4.8 Any person who knowingly submits false or misleading information to the *authority having jurisdiction* concerning any matter in relation to this By-law is guilty of an offence under this By-law.
- 4.9 No person shall allow the property boundaries or accepted *grade* of a building *lot* to be so changed as to place a building or part thereof in contravention of the *Code*.

## SECTION 5 DUTIES AND RESPONSIBILITIES OF THE OWNER

### PERMITS, APPROVALS AND RESPONSIBILITIES

- 5.1 Every *owner* or authorized agent shall obtain all *permits* or approvals required in connection with the proposed work, prior to commencing the work to which they relate.
- 5.2 Where the *Code*, or the *designated officer* of this By-law, requires that plans, drawings and related documents submitted as part of an application for a *permit* must be signed and sealed by an architect or a professional engineer or both, it is the responsibility of the *owner* to
- (a) ensure that the plans, drawings and related documents, including certificates required to be submitted as part of an application required, are signed and sealed by one or more architects or professional engineers who are
    - i. Entitled to practice as architects or professional engineers, as the case may be, in the Province of Manitoba,
    - ii. Skilled in the application of the *Codes* to the aspect of the design and construction of the building represented in the plans, drawings and related documents signed and sealed by the architect or professional engineer.
- 5.3 If an *owner* has failed to obtain a required *permit*, acceptance or approval prior to commencing work in compliance with this By-law, the *owner* at the time the work was commenced or carried out – and every subsequent *owner* – is nonetheless required to obtain all *permits*, acceptances and approvals and to pay all applicable fees despite the fact that the work has already commenced or has been completed. For greater clarity, if work for which a *permit*, acceptance or approval is required has been commenced or carried out without the required *permit*, acceptance or approval, the current *owner* is responsible for obtaining the required *permit*, acceptance or approval and must pay any fees or penalties associated with the *permit*, acceptance or approval, including fees for its issuance after the work has been commenced or carried out.
- 5.4 When required by the *authority having jurisdiction*, every *owner* shall provide a letter to certify compliance with the requirements of the *code* and of any *permits* required.

### SITE AND INSPECTION REQUIREMENTS

- 5.5 Every *owner* shall allow the *authority having jurisdiction* to enter any building or premises at any reasonable time for the purpose of administering and enforcing the *Code* and this By-law.

5.6 Every *owner* shall:

- (a) 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*,
- (b) Keep visible at all time during construction the street or *lot* number of the premises in figures at least three (3) inches high and visible from the street or sidewalk.

5.7 Every *owner* shall give notice in writing to the *authority having jurisdiction*, prior to commencing the work, listing;

- (a) The name, address and telephone number of
  - i. The contractor or other person in charge of the work,
  - ii. The engineer and/or architect reviewing the work, and
  - iii. Any inspection or testing agency engaged to monitor the work,
- (b) Any change in or termination of employment of such persons during the course of the construction immediately when such change or termination occurs.

5.8 The *owner* of property with respect to which a *permit* has been issued must ensure that:

- (a) Work that is required to be inspected, notice be given a minimum of 24 hours before any required inspection;
- (b) Work that is required to be inspected is not covered until the required inspection has taken place; and
- (c) Where an inspection has revealed a defect that must be remedied prior to continued work, that the defect is not covered until the required re-inspection has taken place.

5.9 Every *owner* or 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.

## OCCUPANCY AND SAFETY

- 5.10 Every *owner* shall obtain a *Building Occupancy Permit* from the *authority having jurisdiction* prior to any;
- (a) Occupancy of a building or part thereof after construction, partial demolition or alteration on that building, or
  - (b) Change in the major occupancy of any building or part thereof.
- 5.11 Every *owner* shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed, should occupancy occur prior to the completion of any work being undertaken that requires a *permit*.
- 5.12 When a building or part thereof is in an unsafe condition, the *owner* shall immediately take all necessary action to put the building in a safe condition. All buildings or *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 designated agent shall be responsible for the maintenance of such building or *structures*.
- 5.13 Where a stop work order has been issued by the *authority having jurisdiction*, in accordance with this By-law herein, the *owner*, or their 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.
- 5.14 Where work is suspended or terminated, the *owner* or designated agent, shall leave the site in a safe manner and shall maintain the site in a safe condition.

## LIABILITIES AND COSTS

- 5.15 Every *owner* shall give notice in writing to the *authority having jurisdiction*:
- (a) Immediately that any change in ownership or change in the address of the *owner* occurs prior to the issuance of a *Building Occupancy Permit*, or certificate of occupancy, and
  - (b) Prior to occupying any portion of the building if it is to be occupied in stages.
- 5.16 Every *owner* shall provide an up-to-date survey, prepared by a professional Land Surveyor, registered in the province of Manitoba, of the building site as required by the *authority having jurisdiction*.
- 5.17 When required by the *authority having jurisdiction*, every *owner* shall uncover and replace at their own expense any work that has been concealed in violation of an order issued by the *authority having jurisdiction*.

- 5.18 No *owner* shall deviate from the requirements of the conditions of the *permit* without first obtaining from the *authority having jurisdiction* permission in writing to do so.
- 5.19 The granting of a *permit*, the approval of the drawings and specifications or inspections made by the *authority having jurisdiction*, shall not in any way relieve the *owner* of a building from full responsibility for carrying out the work or having the work carried out and for maintaining the building 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 *Building Occupancy Permit*.
- 5.20 When completed construction is in non-compliance with this By-law or another By-law, or one of the applicable *Codes*, the *owner* must, at their expense, bring the building into compliance within a reasonable period of time.
- 5.21 Every *owner* is responsible for the cost of *repair* of any damage to public property or works located thereon that may occur as a result of undertaking work for which a *permit* was required by this By-law.

## SECTION 6 DUTIES AND RESPONSIBILITIES OF THE DESIGN PROFESSIONAL

- 6.1 This section applies whenever the *Code* or the *designated officer*, acting pursuant to Section 9.10 of this By-law, requires that plans, drawings and related documents submitted with an application to construct a building must be signed and sealed by a *design professional*.
- 6.2 An architect or a professional engineer must not sign and seal any plans, drawings or other documents that are to be submitted as part of an application for a *permit*, and must not sign and seal a certificate required by the *designated officer* under Section 9.16 of this By-law concerning the compliance of construction with *Codes* and By-laws, unless the individual
- (a) Is a member in good standing of the Manitoba Association of Architects or the Association of Professional Engineers and Geoscientists of Manitoba, as the case may be; and
  - (b) Is skilled in the application of the applicable *Code* or *Codes* to those aspects of the construction that are represented in the plans, drawing or other documents or that are referred to in the certificate being submitted.

6.3 The *design professional* who signs and seals plans and drawings that the *owner* submits as part of an application for a *permit* must sign and seal a certificate which contains the following statement with respect to the application:

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

By affixing my seal, I am representing that:

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

6.4 When a professional engineer or architect is required by the *Code* or the requirements of this by-law, they shall do inspections to ensure that the construction conforms to the design and the *Code*.

6.5 Every designer is required to submit to the *authority having jurisdiction*:

- (a) All information needed for review of the design;
- (b) Any changes to the design for which a *permit* has or may be issued;
- (c) Copies of all inspection reports for inspections done by the designer and others, and
- (d) Any other documentation or certification required by the *authority having jurisdiction*.

## SECTION 7 DUTIES AND RESPONSIBILITIES OF THE CONTRACTOR

7.1 Every contractor shall ensure that all construction safety requirements of the *Code* are complied with.

7.2 Every contractor or 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 *approved* drawings and specifications.

7.3 Every contractor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials stored

in whole or in part thereon without approval first having been obtained in writing from the *authority having jurisdiction*.

- 7.4 When required by the *authority having jurisdiction*, the contractor or their designated agent shall provide a statutory declaration that their 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

- 8.1 The *authority having jurisdiction* is responsible for the administration and enforcement of the *Code* and this By-law.
- 8.2 The *authority having jurisdiction* shall keep copies of all applications, *permits* and orders issued, inspections and tests made and of all papers and documents connected with the administration of the *Code* and this By-law for such time as other regulations require.
- 8.3 The *authority having jurisdiction* shall accept any construction or condition that lawfully existed prior to the effective date of the *Code* provided that such construction or condition does not constitute an unsafe condition.
- 8.4 The *authority having jurisdiction* shall issue in writing such notices or orders as may be necessary to inform the *owner* or designated agent where a contravention of the *Code* or this By-law has been observed.
- 8.5 The *authority having jurisdiction* shall issue to the *owner* an order or notice in writing to correct any unsafe condition observed in any building.
- 8.6 The *authority having jurisdiction* shall provide when requested to do so all reasons for refusal to grant a *permit*.
- 8.7 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.



## SECTION 9 POWERS OF THE AUTHORITY HAVING JURISDICTION

### INSPECTION AND ENTRY

- 9.1 The *authority having jurisdiction* may, at all reasonable times, and with the consent of the *owner* or occupier, but subject to Section 175 of The Planning Act, enter any building or premises for the purpose of administering or enforcing the *Code* or this By-law.
- 9.2 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*.
- 9.3 The *authority having jurisdiction* may require any *owner* to submit an up-to-date building location certificate or staking certificate prepared by a professional land surveyor registered in the province of Manitoba;
- (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.

### ORDERS FOR COMPLIANCE

- 9.4 The *authority having jurisdiction* is empowered to order;
- (a) A person who contravenes the *Code* to comply with the *Code* within the time period specified;
  - (b) A person to stop work on a building or any part thereof if such work is proceeding in contravention of the *Code* or this By-law, or any condition under which the *permit* was issued, or if there is deemed to be an unsafe condition. Upon issuance of order to stop work, work shall be immediately stopped. The stop work order shall be given to the *owner* of the property involved, or to the *owner's* agent, or to the person in charge personally, and shall state the conditions under which work may be resumed;
  - (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*;
  - (e) The cessation of any occupancy in contravention of the *Code*, and;
  - (f) The cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed;

- (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.

#### PERMIT ISSUANCE, REFUSAL AND REVOCATION

- 9.5 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.
- 9.6 The *authority having jurisdiction* may refuse to issue any *permit*;
- (a) Whenever information submitted is inadequate to determine compliance with the provisions of the *Code*, or
  - (b) Whenever incorrect information is submitted, or
  - (c) That would authorize any building work or occupancy that would not be permitted by the *Code*, or
  - (d) That would be prohibited by any other standard, By-law, act or regulation, or
  - (e) To any person who has failed within a specified period of time to remedy a defect in construction under a building *permit* previously issued to them after having been notified that such defect exists, or
  - (f) Where the results of the tests referred to in Section 11 are not satisfactory, or
  - (g) To any person who has failed to pay any fees due and owing to the *authority having jurisdiction* under this By-law, or
  - (h) Where infractions exist on the property, the *authority having jurisdiction* may require the *owner* to address such items prior to the issuance of any *permit*.
- 9.7 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, or
  - (c) The *permit* was issued on the basis of incorrect information.

## COMPLIANCE AUDITS AND ENFORCEMENT

- 9.8 The *authority having jurisdiction* may authorize the complete or partial demolition or *removal* at the expense of the *owner* thereof, a building which, in the opinion of the *authority having jurisdiction*, has been constructed in contravention of the *Code* or any By-law and to provide that the cost of such demolition or *removal* as certified by the *authority having jurisdiction* may be added to the taxes on the land occupied by such building and collected as other taxes.
- 9.9 The *authority having jurisdiction* may issue a written notice requiring the *owner* or their representative to bring the building into compliance with the *Code* within a specified timeframe. Failure to provide such notice does not exempt the *owner* or representative from prosecution for *Code* violations.
- 9.10 Where, in the opinion of the *designated officer*, the complexity or risks associated with the design of construction or the construction of a building requires special technical knowledge, the *designated officer* may require that the *owner*:
- (a) Submit plans, drawings and other documents signed and sealed by an architect or professional engineer, or both, as part of an application for a *permit*; and
  - (b) Ensure that the construction of the building is reviewed by an architect or professional engineer, or both, and submit as part of an application for an interim or final *Building Occupancy Permit* required under Section 22, a certificate signed and sealed by the architect or engineer, or both, who inspected the construction concerning the compliance of the construction with the *Codes* or specific aspects of the *Codes*.
- 9.11 As part of the authority granted by this section, the *designated officer* is authorized to establish the circumstances in which the program authorized in Section 9.17 will apply, and to determine the form of the audit function established as part of the program.
- 9.12 Where a *designated officer* determines, through an audit or otherwise, that plans or specifications submitted under Section 9.16 or actual construction based upon *permits* issued under those provisions, fail to comply with this By-law or the *Codes*, the *designated officer* may order the designer or the *owner*, or both, to rectify the point of non-compliance within a reasonable time. A designer or *owner* who fails to comply with an order issued under this provision commits an offence.
- 9.13 Upon the completion of the construction of a building or *structure*, the *designated officer* may require an *owner* to submit an up-to-date set of drawings depicting the building or *structure* as constructed.

- 9.14 The *authority having jurisdiction* in special cases that in their opinion warrant it, may modify or vary any specified regulation where such modification or variation in their opinion will substantially accomplish the object of the regulation.

#### PROFESSIONAL CERTIFICATION AND LIABILITIES

- 9.15 The powers of the *Board* and the *authority having jurisdiction* contained in this by-law shall not restrict the *Board* or the *authority having jurisdiction*'s authority pursuant to the provisions of The Planning Act and any amendments thereto and any legislation pursuant to which the *Board* and the *authority having jurisdiction* are given authority.
- 9.16 For the purposes of complying with the *authority having jurisdiction's* obligation to inspect and approve plans relating to construction prior to a *permit* being issued, and for the purposes of complying with the *authority having jurisdiction's* obligation to enforce the building construction codes or building construction standards adopted pursuant to The Buildings Act, the *designated officer* may rely on a certificate of or representation by a professional engineer or an architect, or both, as to the compliance of plans and drawings or other documents, or of construction, with the *Codes* and with applicable By-laws.
- 9.17 In relying on a certificate or representation of a professional engineer or architect pursuant to Section 9.16, the *designated officer* may establish circumstances in which no examination or review whatsoever of certain aspects or parts, or of the entirety, of the plans or drawings or other documents signed and sealed by a *design professional*, or of construction reviewed by a *design professional*, will be conducted by the *authority having jurisdiction* before a *permit* or an interim or final *Building Occupancy Permit* is issued.
- 9.18 As part of the authority granted by Section 9.16, the *designated officer* is authorized to determine:
- (a) Subject to Section 6.3, the form and content of the certificate or representation to be provided, including a signed and sealed statement using specific text *approved* by the *designated officer*;
  - (b) The amount of professional liability insurance, if any, that must be carried by an architect or professional engineer who provides certifications or representations;
  - (c) The criteria, if any, for determining when the *authority having jurisdiction* will not rely solely or at all on the required certificates or representations submitted by specific individual *design professionals*; and
  - (d) The form of an audit program or other programs, if any, to encourage compliance of submitted plans and specifications with the applicable *Codes* and By-laws.

- 9.19 Subject to Section 9.18, the *designated officer* may institute a program in which *permits* authorizing the construction or occupancy of buildings to which Section 5.2 does not apply are issued by the *designated officer* with minimal examination or review by the *authority having jurisdiction*, drawings or specifications for compliance with this By-law and with minimal or no inspection of construction.
- 9.20 The program referred to in Section 9.19 must include an audit function which subjects the minimally unexamined plans or specifications as well as the construction of the building to random, systematic or targeted review.

## SECTION 10 APPEAL

- 10.1 Any person who deems themselves aggrieved by a decision of the *authority having jurisdiction* of any regulation under this By-law, may, within fifteen (15) days from the date of the decision, appeal therefrom to the *Board*. All other appeals to be in accordance with The Permit Dispute Resolution Act.
- 10.2 The *Board* may rescind, suspend, or modify the decision, extend the time for compliance, or make a new decision.

## SECTION 11 TESTS

- 11.1 Every *owner* shall make or have made at their 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*.
- 11.2 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.
- 11.3 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 their agent for inspection during the construction of the building and for such period thereafter as required by the *authority having jurisdiction*.

## SECTION 12 RESPONSIBILITY FOR DESIGN AND INSPECTION

- 12.1 Except in the case of a building 3 storeys or less in height, having building area not exceeding 6458.35 square feet (600m<sup>2</sup>) and which is to be used for residential, business and personal service, mercantile and medium and low hazard industrial occupancies, the *owner* shall appoint an architect(s) and/or engineer(s) entitled to practice in the Province of Manitoba, skilled in the appropriate section of the work concerned, which consultant(s) shall be responsible for the preparation of drawings and specifications and for the inspection of construction to ensure conformity with the drawings, specifications and the applicable sections of the *Code*.
- 12.2 Where in the opinion of the *authority having jurisdiction*, any building requires the services of an architect(s) and/or professional engineer(s), the architect(s) and/or professional engineer(s) shall perform all the services described in this section.
- 12.3 Where the construction of a building will not be reviewed by the designer, the *owner* is responsible for designating a suitably qualified person, responsible to the designer, to review the construction for conformance with the design. The name and address of this person shall be submitted with the application to build, and the *authority having jurisdiction* shall be notified of any subsequent changes to this designation.
- 12.4 Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in sentence 12.1, the drawings and specifications shall be prepared, signed and bear the seal of, and the

construction inspected and certified by, an architect(s) and/or engineer(s) skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.

- 12.5 Prior to the issuance of a building *permit*, the responsible architect(s) and/or professional engineer(s) shall submit a letter to the *authority having jurisdiction* stating the extent of their responsibility for the inspection of construction to ensure conformity with the *approved* drawings and specifications and the applicable Sections of the By-law.
- 12.6 Prior to the issuance of a *Building Occupancy Permit*, the responsible architect(s) and/or professional engineer(s) shall, where required by the *authority having jurisdiction*, submit a letter stating;
- “That to the best of my/our knowledge the building was constructed in accordance with the *approved* drawings and specifications and requirements of the applicable By-laws.”
- 12.7 The responsible architect(s) and/or professional engineer(s) shall seal and sign all the documents referred to in Sections 12.5 and 12.6 above.
- 12.8 If the responsible architect(s) and/or professional engineer(s) withdraws from the project, the *owner* shall immediately provide notice to the *authority having jurisdiction*.
- 12.9 Structural members of a building shall be designed in accordance with Part 4 of the *Code* by a professional engineer licensed to practice in the Province of Manitoba and competent in the specific field of structural design. Where permitted by Part 9 of the *Code*, structural elements may be designed in accordance with the prescriptive requirements of that Part of the *Code*.
- 12.10 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.

## SECTION 13 UNSAFE CONDITIONS

- 13.1 Any building or *structure* that is in an unsafe condition in that it is liable to fall or to cause an explosion or 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*.
- 13.2 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 Section 13.1 above, the *authority having jurisdiction* may serve a written notice to the *owner*, occupier, agent or person in charge of the building or *structure*, or of a well, excavation or opening, by registered mail or personal notice to the last known address describing the building or *structure*, or the well, excavation or opening requiring them to have it demolished, guarded, covered, or put in safe condition forthwith to the satisfaction of the *authority having jurisdiction*.
- 13.3 Without effecting any other remedy that the municipality may have on default of compliance with a notice given under sentences 13.2 and 13.5 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 municipality by summary process of law and can also place 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.
- 13.4 Where upon non-compliance with any notice given under sentences 13.2 and 13.5, the *authority having jurisdiction* causes the building or *structure* to be demolished, the municipality may sell the material, *fixtures* and other salvage therefrom and apply the price received therefrom towards paying the cost of the demolition and the balance, if any, shall be applied toward paying any taxes owing in respect to the property, after 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.



- 13.5 When the *authority having jurisdiction* is unable, as set forth in sentence 13.2 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 unsafe notice shall be posted by affixing two copies thereof in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice following the expiration of 24 hours from the posting of such notice.

## SECTION 14 ALTERATIONS AND ADDITIONS

- 14.1 Where *repairs* or alterations to an existing building or *structure* are made necessary on account of damage by fire or other causes, and where such *repairs* and alterations excluding electrical or mechanical equipment exceed fifty percent (50%) of the replacement or market value of the building or *structure* prior to such damage, such *repairs* or alterations shall be considered a re-erection thereof and are prohibited unless the entire building or *structure* is made to conform with the requirements of this By-law for new construction.
- 14.2 Where *repairs* or alterations to an existing building or *structure* are made necessary on account of dilapidation, and where such *repairs* or alterations excluding electrical or mechanical equipment exceed fifty percent (50%) of the replacement or market value of the building or *structure* at the time of application for a *permit*, such *repairs* or alterations shall be considered a re-erection thereof and prohibited unless the entire building or *structure* is made to conform with the requirements of this By-law for new construction.
- 14.3 Notwithstanding the provisions of Sentences 14.1 or 14.2 above, the *authority having jurisdiction* may *permit* variations from the regulations of this By-law for those portions of the existing building or *structure* not being altered, or added to, where:
- (a) The applicant shall provide evidence satisfactory to the *authority having jurisdiction* that said portions are structurally safe; and
  - (b) A special inspection has been made to determine the minimum variation to be permitted.
- 14.4 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 this By-law except where an increase may be permitted in accordance with the Zoning By-law and any other By-law.

- 14.5 Additions may be made to an existing building or *structure* where the maximum area for the combined area of the existing building or the *structure* and addition as set forth in Part 3 of the *Code* is not exceeded. Where the combined area of the existing building or the *structure* and permitted addition exceeds the maximum area allowed in Part 3, a fire wall of the required resistance rating shall separate the addition from the existing building or *structure* unless otherwise *approved* under Section 14.3.
- 14.6 Where alterations or additions to an existing building or *structure* are to be made, the *authority having jurisdiction* may require selective compliance of the building or *structure* to the requirements of the *Code*.

## SECTION 15 VALUATION

- 15.1 The *authority having jurisdiction* may place a value on the cost of the work for the purpose of determining *permit* fees to be applicable.
- 15.2 The valuation to be shown on a building *permit* shall mean the total monetary worth of all construction of work including all painting, papering, roofing, electrical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler 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.
- 15.3 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 the *Code* and alterations or *repairs* to the building.
- 15.4 In the case of the erection, alteration or enlargement of any *sign*, the valuation shall reflect the cost of any contract for the execution of the work with all contractors which shall include all labour costs, materials and devices necessary to complete the work.
- 15.5 The determination of value or valuation shall be made by the *authority having jurisdiction* and shall be the reproduction cost without depreciation and without regard to any loss as a result from fire, used material or other causes.

- 15.6 Any *owner*, architect, engineer, contractor, or builder who has contracted for, performed, or supervised any construction, alteration, or *repair* work on any land, or their agent, shall provide, in writing, the cost of the work upon request by the *authority having jurisdiction*.

## SECTION 16 CONSTRUCTION REVIEW

- 16.1 Whenever general review, during construction by an architect or engineer is required by the *Code*, such review shall be to standards satisfactory to the *authority having jurisdiction*.
- 16.2 Upon completion of the work for which review was required a report shall be submitted to the *authority having jurisdiction* by the architect or engineer stating what was reviewed and where applicable, what was not reviewed and stating the extent to which the construction conforms to the *Code*.

## SECTION 17 PERMITS

### GENERAL

- 17.1 To obtain any *permit* or certificate authorized herein the *owner* or authorized agent shall file an application on a prescribed form.
- 17.2 An application for a *permit* will be deemed to have been abandoned six (6) months after the date of filing, unless such application has been proceeded with.
- 17.3 All applications for *permits* or certificates shall be accompanied by the required fee specified in the *authority having jurisdictions* Fee By-law.
- 17.4 A *permit* automatically expires and is thereafter null and void if the *owner* does not ensure that construction or other work authorized by the *permit*:
- (a) Subject to Section 17.5, is initiated within twelve (12) months after the *permit* is issued;
  - (b) Subject to Section 17.5, is completed within
    - i. Five (5) years after the date the *permit* is issued; or
    - ii. A greater length of time as determined to be reasonable by the *designated officer* in the case of extraordinarily large construction projects; and
  - (c) Complies with the conditions imposed on the *permit*, including the conditions set out in Section 17.13.

- 17.5 Upon application by the *owner*, a *designated officer* may grant an extension to the date by which construction or other work must be initiated or completed. The extension may extend the time period for initiation or completion by no more than the time period set out in Section 17.4 (a) and (b) for the initiation or completion of the construction or other work authorized by the *permit*.

In order to qualify for the extension, the *owner* must:

- (a) Submit, and undertake to implement, a work plan which sets reasonable and measurable targets for stages of construction or other work to be completed.
- 17.6 A *designated officer* may revoke a *permit* by giving notice to the *owner* at the address provided by the *owner* in the *permit* application if:
- (a) The construction or other work authorized by the *permit* is not proceeding reasonably to completion after being initiated; or
  - (b) The *owner* does not meet the targets set out in the work plan referred to in Section 17.5 (a) for stages of construction or other work to be completed.
- 17.7 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.

## APPLICATION

- 17.8 The following information shall be submitted with an application for a building *permit*, and the appropriate application form fully and accurately completed in accordance with the following requirements:
- (a) The municipal address of land and buildings presently occupying the site, if any;
  - (b) A legal description of the land on which the proposed development is to occur, by *lot*, block, subdivision and registered plan numbers;
  - (c) The applicant's name, address and interest in the land and if the applicant is not the landowner a letter from the landowner authorizing the applicant to work on their behalf;
  - (d) A Report on Title which has been issued not later than thirty days prior to the receipt of the application by the *Designated officer*;
  - (e) Description of the work to be performed with respect to:
    - i. Change in current occupancy of land use; or
    - ii. Description of proposed development or building operations;
  - (f) The estimated value, in dollars, of the proposed work;

(g) Construction drawing and specifications:

- i. Gross floor area of the development;
- ii. Floor plans indicating the layout of each floor, with dimensions and room labeling;
- iii. Elevations showing the exterior views of the proposed *structure(s)* including height of the *structure*;
- iv. Structural plans detailing the foundation, framing and any other structural elements;

(h) A site plan, showing the following:

- i. A directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
- ii. Setbacks and yard dimensions;
- iii. The location of all buildings or *structures* in relation to property lines; and
- iv. Dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.

(i) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes;

(j) Site specific Geotechnical Reports if the *authority having jurisdiction* determines that the site conditions so warrant in accordance with Section 26.

(k) If required by the *Designated officer*:

- i. A site plan, showing:
  - 1) The location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
  - 2) The location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any; and
  - 3) Number of parking and loading spaces required and provided; and

4) Description of the proposed water supply and wastewater management systems.

(l) Include all documentation required by the *authority having jurisdiction* procedures, as amended from time to time.

(m) Any additional approvals in accordance with Section 25, or as deemed required from the *authority having jurisdiction*, or any other federal, provincial or local governing authority.

## DRAWINGS AND SPECIFICATIONS

17.9 Sufficient information shall be submitted by the *owner* or their designated agent with each application for a *permit* to enable the *authority having jurisdiction* to determine whether or not the proposed work will conform to the *Code* and whether or not it may affect adjacent property.

17.10 When required by the *authority having jurisdiction*, drawings and specifications shall be provided by the *owner* or their designated agent.

17.11 Drawings drawn to scale upon paper 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 the *Code* and other relevant municipal by-laws and provincial regulations.

17.12 Site plans shall be referenced to an up-to-date survey and, when required to prove compliance, a copy of the survey shall be submitted to the *authority having jurisdiction* by the *owner* or designated agent.

17.13 Site plans shall show when required by the *authority having jurisdiction*:

- (a) Dimensions from property lines, the location of the proposed building,
- (b) The location and dimensions of every other existing building on the property,

## MOBILE HOMES, RTM HOMES, MODULAR HOMES. AND PRE-MANUFACTURED HOMES:

17.14 Mobile homes, RTM's, Modular Homes, and, Pre-Manufactured Homes shall comply with the requirements of the *Code*.

17.15 The *authority having jurisdiction* shall require any or all of the following in respect to a mobile home, RTM, Modular Home, or Pre-Manufactured Home, sought to be located within the area of jurisdiction of *the authority having jurisdiction*:

- (a) The submission of a complete set of plans and specifications with the prescribed application;
- (b) The seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification;

- (c) Submission of copies of any or all *permits* taken out for the above described home types in the location of its construction together with a copy of any or all inspection reports;
- (d) All inspections or certifications as the *authority having jurisdiction* may deem necessary in order to ensure compliance with the *Code* and this bylaw.
- (e) CSA Label for mobile homes.
- (f) A WETT certified wood burning appliance must be affixed with a certification tag or label.

#### CONDITIONS UNDER WHICH PERMITS ARE ISSUED

- 17.16 The permittee must request an inspection from the inspections department of the *authority having jurisdiction* at the specified stages of construction indicated on the *permit*, before proceeding with further work.
- 17.17 If an inspection is requested outside of regular office hours or in addition to a regular inspection during office hours, a fee will be charged as specified in the *authority having jurisdiction's* Fee By-law, in addition to the required *permit* fees.
- 17.18 Every building *permit* is issued upon the condition:
  - (a) That the construction shall be carried out in accordance with all provisions of the *Code*, and all provisions as described on the building *permit* and *approved* drawings;
  - (b) That all municipal by-laws and provincial regulations be complied with, and;
  - (c) That the *authority having jurisdiction* shall get copies of all changes ordered which may alter any condition or requirement of the *Code*, and a set of the revised drawings showing these changes.
- 17.19 All work being carried out under a building *permit* issued prior to the effective date of the *Code* shall be completed in accordance with the previous *Code* requirements and any special conditions described on the building *permit* and *approved* drawings. If work does not proceed at a satisfactory rate, in the opinion of the *authority having jurisdiction* the building *permit* may be cancelled, in which case a new building *permit* shall be obtained before work is continued and all subsequent work shall comply with the provisions of the *Code*.
- 17.20 Where a plumbing *permit* has been issued, no departure shall be made from the specification, description, plan or sectional drawing unless written permission is obtained from the *authority having jurisdiction*.

## SECTION 18 BUILDING PERMITS

### GENERAL

- 18.1 A *permit* is required whenever work regulated by this By-law, the *Code* and the Zoning By-Law is to be undertaken.
- 18.2 Subject to Section 18.3 and 18.4, unless the required *permit* has first been obtained from the *designated officer*, 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 or wood-burning appliance;
  - (h) The alteration, addition, erection or re-erection of a *sign*, including any accessories; and
  - (i) The installation of interior subsurface drainage equipment, including sump pits, sump pumps and associated equipment.
- 18.3 Despite Section 18.2, a building *permit* is not required for the following construction work:
- (a) Patching, painting or decorating;
  - (b) Replacement of stucco or siding with the same material as that being replaced;
  - (c) Replacement of roofing material with the same material as that being replaced;
  - (d) Replacement of floor coverings;
  - (e) Construction of fences;
  - (f) Installation of cabinets and shelves;



- (g) Construction or installation of a detached accessory storage building not greater than 107.64 square feet (10 m<sup>2</sup>) in building area; or
  - (h) Erection of temporary tents less than 901 square feet (83.71 m<sup>2</sup>) in building area.
- 18.4 Despite Section 18.2, a building *permit* is not required for the following construction work on single family houses, duplexes and triplexes or on properties on which those buildings are located:
- (a) Replacement of doors when the opening is not altered;
  - (b) Replacement of windows with windows of the same *size*;
  - (c) Non-structural work other than:
    - i. Plumbing construction;
    - ii. The development of previously undeveloped space within an existing building; or the creation of a new bedroom.
  - (d) Construction of unenclosed detached residential decks 1.97 ft (600 mm) or less in height above finished ground.
- 18.5 Where a building *permit* is not required as stated in aforesaid Section 18.3 and 18.4, such work shall comply with the regulations of this By-law or the *Code* or other applicable By-laws and the work shall not place the building or *structure* in contravention or further contravention of the *Code* or any other by-law.
- 18.6 Any *owner*, agent or person in charge, who commences work without first having obtained a required *permit*, is guilty of an offence and shall be liable to an additional charge as detailed within the *Boards approved Fee By-law*.

## SECTION 19 PLUMBING PERMITS

### GENERAL

- 19.1 Except as provided in Section 19.2, a plumbing system shall not be constructed, extended, altered, renewed or *repaired* or a connection made to a sewer unless a *permit* to do so has been obtained.
- 19.2 A plumbing *permit* is not required when:
- (a) A stoppage in the *drainage system* is cleared;
  - (b) A leak is *repaired* in a *water distribution system*;
  - (c) A *fixture* is replaced without any change to the *drainage system*;
  - (d) A replacement is made to existing faucets, service water heater, valves or pipes and fittings in a *water distribution system*.
- 19.3 Plumbing *permits* shall be issued only to:
- (a) A licensed *plumbing contractor*;
  - (b) A person to do work on a single-family dwelling owned and occupied by them only as their domestic domicile, provided that they have satisfied the *designated officer* that they are competent to perform such work; or
  - (c) A person to do work in a single-family dwelling owned by them, which will be occupied by them upon completion, only as their domestic domicile, provided that they have satisfied the *designated officer* that they are competent to perform such work.
- 19.4 Every application for a plumbing *permit* shall be accompanied by a specification or description of the proposed work.
- 19.5 When required by the *designated officer*, 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.
- 19.6 The *designated officer* may revoke a plumbing *permit* issued pursuant to paragraphs (b) or (c) of Section 19.3 aforesaid, if during the course of inspection it becomes obvious that the person is not competent to perform such work, and may require that the work be corrected and completed by a licensed *plumbing contractor* under a new plumbing *permit*.

## SECTION 20 SIGN PERMITS

### GENERAL

- 20.1 No alteration or addition or any erection or re-erection of *signs* including any of the accessories shall be made unless the *owner* of the building or site upon which such *sign* is erected or their agent, has obtained a *permit*.
- 20.2 Except as varied herein, the following *signs* shall not be subject to the provisions of this section but this exception shall not relieve the *owner* or person in control of such *signs* from erecting and maintaining the *sign* in a safe condition and complying with the applicable Zoning By-law:
- (a) *Signs* of a duly constituted governmental body, including traffic or similar regulating devices, legal notices, or warnings at railroad crossings;
  - (b) *Signs* in display windows including writing, representation, painting or lettering directly on the surface of any window or door;
  - (c) Memorial *signs* or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other *structure* provided such tablets 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) *Signs* denoting architect, engineer, contractor of the services and products of the *owner*, when placed on construction sites. These *signs* must be removed on completion of construction;
  - (e) *Signs* required to be maintained by by-law or governmental order, rule or regulations;
  - (f) Small *signs* displayed for the direction of the public including *signs* which identify restrooms and such other similar directional *signs*;
  - (g) Single or double face unlighted *sign* or *signs* appertaining only to the prospective rental or sale of the property on which it is located;
  - (h) *Signs* painted directly on the exterior wall of a building;
  - (i) *Sign* insert replacement where the original frame is not being altered.
- 20.3 No *permit* or license issued pursuant to this By-law, no approval of drawings or specifications of work done or to be done in connection with a *sign* or any inspection of such work shall relieve the permittee, licensee or *owner* of the *sign* from full responsibility for the carrying out of the work and maintaining the *sign* in accordance with this or any other By-law of the municipality.
- 20.4 A clearance of at least 3 ft (0.91 m) shall be maintained between poles and other *fixtures* erected and any part of a *structure* and its accessories.

- 20.5 No *sign structure* shall be erected, constructed or maintained in any manner which will obstruct any fire escape or any window or door or opening used as a required means of egress or so as to prevent free passage from a roof to any other part thereof. No *sign structure* shall be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening for required light or ventilation.
- 20.6 All *signs* shall be kept in proper *repair* and appearance and in the case of *electric signs*, the lamps and other electrical components must be maintained in proper working order.
- 20.7 No *owner* or agent shall maintain a *sign* unless it is securely supported by appropriate supports, braces, and guy wires of adequate *size* and strength, and properly fastened.
- 20.8 No *owner* or agent shall maintain or *permit* any *sign* to be maintained including any guys, stay or attachment connected therewith which interferes with any light, power, telephone, telegraph or transit pole or wire or any fire escape or any apparatus or related equipment.
- 20.9 All existing *signs* which are in a safe condition as far as fire safety, structural and location requirements are concerned may be maintained, but no such *sign* when once removed shall be replaced either on the same building or elsewhere without complying in all respects with the provisions of this By-law.
- 20.10 Any existing *sign* deemed unsafe due to fire hazards, structural issues, or poor location may be required to be removed. If the *sign* is not removed or made safe in accordance with this By-law, the *authority having jurisdiction* may take legal action to condemn the *sign*.
- 20.11 Any *owner*, business, or corporation that violates, refuses to comply with, or neglects to follow the provisions of this Section will be subject to additional fees as specified in Section 27.
- 20.12 No *sign structure* shall hereafter be structurally altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this By-law.
- 20.13 The changing of movable parts of *signs* that are designed for changes, or the repainting of display matter shall not be deemed to be alterations within the meaning of this Section.

## CONSTRUCTION

- 20.14 All *signs* shall be designed and constructed as herein provided and in accordance with Part 4 of the *Code*.

- 20.15 All *signs* and any of their supporting *structures* must be fastened with non-corrosive fasteners or otherwise have the fastening devices protected from corrosion.
- 20.16 All *sign* installations, modifications, and alterations shall be constructed, maintained, and operated in full compliance with the provisions outlined in Schedule A of this By-law.
- 20.17 In the event of any conflict between the provisions of this Section and other sections of the By-law, the regulations set forth in Schedule A shall take precedence with respect to the design, construction, and installation of *signs*.
- 20.18 No *sign* shall be installed, altered, or maintained unless it adheres to the specific requirements set forth in Schedule A, which includes provisions related to freestanding *signs*, *awning* and sun visor *signs*, *fascia signs*, *marquee* and *canopy signs*, *projecting signs*, *roof signs*, and combination *signs*.
- 20.19 Any *signage* that does not meet the standards established in Schedule A must receive approval from the *designated officer*, which may include structural review and certification by a Registered Professional Engineer, where applicable.

## SECTION 21 TEMPORARY BUILDINGS

### GENERAL

- 21.1 Despite other provisions 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*. No person shall erect or place a temporary building without first obtaining the required building *permit*.
- 21.2 A temporary building shall not exceed one (1) storey in height.
- 21.3 A *permit* for a temporary building shall state the dates under which the *permit* is valid.
- 21.4 A temporary *building* shall be permitted only for the following major occupancy classifications in accordance with Table 3.1.2.1. of the *Code*:
- (a) All Divisions, Group A,
  - (b) Group D, and
  - (c) Group E.
- 21.5 A *permit* for a temporary building may be extended provided permission in writing is granted by the *authority having jurisdiction*.
- 21.6 A *permit* for a temporary building shall be posted on the building by the *owner* or authorized agent.
- 21.7 A temporary building shall be permitted for a period not exceeding one year, on the condition that the *owner* shall remove the temporary building before the expiration of specified period of time, or as prescribed within the municipal Zoning By-law, with the most restrictive provisions being applicable.
- 21.8 The temporary building shall be properly maintained at all times by the *owner*.
- 21.9 The temporary building shall be subject to any other conditions that may be specified in the *permit*.

## SECTION 22 OCCUPANCY

### GENERAL

- 22.1 No *owner*, agent or person in charge shall occupy a building or part thereof or change the occupancy without first obtaining a *Building Occupancy Permit* as set forth in Section 22.
- 22.2 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 Group of occupancy, unless such building or *structure* is made to comply with the requirements of the *Code* for that Group.
- 22.3 An inspection of a site shall be made prior to the issuance of a *Building Occupancy Permit* and a fee may be charged in accordance with the *authority having jurisdictions* Fee By-law.
- 22.4 Every 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 approve a *Building Occupancy Permit* for an existing building or *structure* which varies in a minor respect from the regulations of the *Code*, where in their opinion, such a variation will substantially accomplish the objects of the *Code*.
- 22.5 Before issuing or consenting to the issuance of a *Building 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.
- 22.6 A *Building Occupancy Permit* is required:
- (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 a 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 to a new use not previously authorized.

## INTERIM

- 22.7 The *authority having jurisdiction* may approve clearance for the issuance for an Interim *Building Occupancy Permit*, being a *permit* allowing the partial occupancy of a building or *structure*, provided that such occupancy will not jeopardize life or property.
- 22.8 Without restricting the generality of Section 22.7, the conditions imposed on an Interim *Building Occupancy Permit* may include:
- (a) Requiring that the applicant release and indemnify the *authority having jurisdiction* from any claims made against it for harm or loss resulting from the issuance of the *Permit*; and
  - (b) Requiring that the *owner* undertake to obtain a final *Building Occupancy Permit* within a specified period of time.
- 22.9 A *person* who fails to comply with a condition imposed under this section commits an offence.
- 22.10 The required *Building Occupancy Permit* shall be displayed and maintained in a legible condition by the *owner* or their agent in a location acceptable to the *authority having jurisdiction*.



## SECTION 23 REMOVAL, RELOCATION OR DEMOLITION OF A BUILDING

### GENERAL

23.1 This section provides regulations for:

- (a) The moving of an existing building or *structure* from a site within the *district* 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*.

23.2 Notwithstanding anything elsewhere contained in this By-law, a building or *structure* to be moved onto a site in the *district* from a site outside said area shall comply with the regulations of this By-law and the *Code* for new construction.

23.3 The *removal* or *relocation* of a building or a *structure* shall not be permitted unless all regulations of this By-law for new construction are complied with.

23.4 The *relocation* of a building or *structure* shall be prohibited unless:

- (a) Documentation is provided by the *owner* verifying that the building was lawfully constructed under a valid permit and inspected by the *Authority Having Jurisdiction* for compliance with applicable *Codes* and standards in effect at the time, including but not limited to structural, insulation, plumbing, and other relevant requirements; or
- (b) Where documentation is not provided:
  - i. The *owner* shall provide a structural engineering report from a licensed professional engineer certifying the building or *structure* is safe and suitable for occupancy; and
  - ii. The *owner* shall hire a licensed journeyman plumber to inspect the plumbing system, provide a report, and submit an isometric drawing confirming compliance with applicable plumbing codes.

23.5 The demolition of a building shall be subject to the requirements of Part 8 of the *Code*.

23.6 A building or *structure* shall not be removed or relocated, within the *district*, if the building or *structure* is in the opinion of the *authority having jurisdiction*:

- (a) 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) Structurally unsafe, or

- (c) 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.
- 23.7 Upon application for a *permit* to demolish, relocate, or remove a building or *structure*, the applicant shall submit a statement that the taxes upon the land and building or buildings, or *structures* have been paid in full, and that the land and building or buildings, or *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. This provision shall not apply to buildings or *structures* demolished under Section 13 of this By-law.
- 23.8 The *owner*, or their agent, of a site from which a building or *structure* is to be removed or demolished shall:
- (a) Notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service, and no work shall be carried out until these services have been shut off and/or removed;
  - (b) Upon completion of the *removal* or demolition, put the site in a safe and *sanitary* condition to the satisfaction of the *authority having jurisdiction*.
- 23.9 Every demolition *permit* is issued upon the condition that:
- (a) The demolition be commenced within thirty (30) days of issuance of the *permit*, and;
  - (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) The demolition be carried out in accordance with all provisions of this By-law, and all provisions as described on the *permit*, and;
  - (d) All By-laws of the municipality be complied with, and;
  - (e) No modifications to the *approved* method of demolition be made without the prior approval of the *authority having jurisdiction*.

## SECTION 24 SWIMMING POOLS AND HOT TUBS

### GENERAL

- 24.1 For the purposes of this section, any pool containing water more than 24 in (610 mm) in depth shall be deemed to be a swimming pool.
- 24.2 The structural design for a private pool that is an in-ground swimming pool must bear the seal of a professional engineer competent and qualified in the structural designing of in-ground swimming pools.
- 24.3 A private pool that is located outdoors must be enclosed with a fence, or other suitable barrier, constructed in accordance with the following requirements:
- (a) The fence or barrier must have a minimum height of 5 ft (1.52 m);
  - (b) There must be no openings in the fence or barrier, other than a door to a building or a gate as described in clause (d);
  - (c) It must be constructed so as to prevent a person from crawling under the fence or barrier and any gate in the fence or barrier;
  - (d) Any gate in the fence or barrier must be
    - i. Self-closing;
    - ii. At least 5 ft (1.52 m) in height; and
    - iii. Equipped with a lockable latch so as to prevent unauthorized entry;
  - (e) Where the fence or barrier, or any gate, is chain-link style, the outside surface of the fence or barrier, and any gate, must be at least No. 11 gauge; and
  - (f) Where the fence or barrier, or any gate, is not chain-link style, the outside surface of the fence or barrier, and any gate, must be smooth so as to not provide hand, foot or toe holds.
- 24.4 Where the *designated officer* determines that the fence or barrier, or any gate, required under this section contains any feature that the *designated officer* deems undesirable or unsuitable, the *designated officer* is authorized to order the *owner* to correct the situation.
- 24.5 A swimming pool shall not be placed under or within 10 ft (3.05 m) horizontally of any overhead electrical wiring except as may be permitted by the Manitoba Electrical Code.
- 24.6 All electrical installations shall comply with the requirements of the Manitoba Electrical Code.

- 24.7 Structural and plumbing details shall be in accordance with the other appropriate requirements of this By-law.
- 24.8 Despite Section 24.3 and 24.4, where a private pool is an outdoor hot tub or swim spa, a fence or barrier and a gate, are not required if the hot tub or swim spa is equipped with a cover, provided that:
- (a) The cover has the structural strength to support the weight of a person walking across the top of the cover when it is in the closed position; and
  - (b) The cover is locked in the closed position so as to prevent access to the water by unauthorized persons at all times when the hot tub or swim spa is not in use.

## SECTION 25 REVISIONS TO PERMITS

### GENERAL

- 25.1 After issuance of the *permit*, application may be made by the *owner* or authorized agent for revision of the *permit*, and such applications shall be made in the same manner as for the original *permit*.
- 25.2 Any *owner*, agent or person in charge, who commences or continues work without first having obtained a revised *permit* therefore, is guilty of an offence and an additional charge as detailed within the *authority having jurisdictions Fee By-law* will be implemented as specified in Section 27.

## SECTION 26 SPECIAL CONSTRUCTION STANDARDS

### GEOTECHNICAL REPORTS

- 26.1 A Geotechnical Report in accordance with Section 5.2 is required for *structures* when construction is proposed within 350 ft (106.7 m) of a *waterbody*. The Report shall assess the following geotechnical factors relevant to the proposed development:
- (a) Soil bearing capacity,
  - (b) Excavation conditions,
  - (c) Topographic constraints,
  - (d) *Bank* erosion and stability,
  - (e) Surface erosion; and
  - (f) Any other geotechnical considerations relevant to the proposed development.

- 26.2 The Geotechnical Report shall confirm that the proposed development will not:
- (a) Impede surface or subsurface water flow;
  - (b) De-stabilize land, including the waterway bed; or
  - (c) Adversely alter waterway channels or *bank* stability.
- 26.3 The *authority having jurisdiction* may exempt the requirement for a Geotechnical Report for the construction of Part 9 accessory *structures* or additions with a building area not exceeding 592 square feet (55 m<sup>2</sup>), in accordance with the *Code*, unless:
- (a) An unsafe condition may exist; or
  - (b) The *structure* is located between the existing house and the *bank*.
- 26.4 If multiple accessory buildings are proposed, each accessory building of less than 592 square feet (55 m<sup>2</sup>), when aggregated, may require a Geotechnical Report if the cumulative effect of the buildings poses a risk to the site or surrounding environment. The *authority having jurisdiction* may require a Geotechnical Report in such cases.
- 26.5 The *authority having jurisdiction* may exempt the requirement for a Geotechnical Report if
- (a) There is an existing roadway between the *bank* and the proposed development requiring a building *permit*, or;
  - (b) If confirmed by a Geotechnical Engineer in writing that acceptable information on subsurface conditions already exists, the investigation may not require further physical subsurface exploration or testing.
- 26.6 If the *shoreline* is developed or altered, a Geotechnical Report will be required to assess the impact on the *waterbody*, soil stability, erosion risks, and other relevant factors to ensure the safety of the development.

## SECTION 27 FEES

### GENERAL

- 27.1 *Permit* fees and all procedures and conditions applicable thereto shall be in accordance with the *approved* Fee By-law 187, as set forth by the *authority having jurisdiction*.
- 27.2 Inspection fees and all procedures and conditions applicable thereto shall be outlined in the *approved* Fee By-law 187, as established by the *authority having jurisdiction*.

### ADDITIONAL CHARGES

- 27.3 Any person who contravenes or disobeys, or refuses or neglects to obey:
- (a) Provision of the *Code* or of this By-law or any provision of any other by-law that, by this By-law, is made applicable to the municipality or made applicable to proceedings taken or things done under this By-law, or;
  - (b) Any provision of any By-law, regulations, or order enacted or made by the municipality for which no other charge is herein provided, is guilty of an offence and liable, to an additional charge as determined by the *authority having jurisdiction*, as per the *approved* Fee By-law 187.
- 27.4 If a contravention, refusal, neglect, omission or failure to comply, continues for more than one day, the person is guilty of a separate offence for each day the contravention continues and shall incur an additional charge for each day of continued non-compliance, in accordance with the *approved* Fee By-law 187.

## SECTION 28 EFFECTIVE

- 28.1 This By-law shall come into effect XX day of XXXXXX A.D. 20XX
- 28.2 Any person who carries out work under the terms of this By-law after its adoption but before its effective date, may do so, but such work shall comply entirely with this By-Law.
- 28.3 This By-law shall apply to:
- (a) Existing buildings and signage that were in compliance with the provisions of previous by-laws at the time of adoption of this By-law. Such buildings and signage shall remain in compliance, but any alterations or modifications made after the effective date must conform to the requirements of this By-law; and
  - (b) New applications for buildings and signage or alterations to existing buildings and signage submitted after the effective date of this By-law, which shall be subject to the full provisions and requirements set forth herein.
- 28.4 Any existing building or signage that was in compliance with previous regulations but does not meet the requirements of this By-law shall be required to bring such signage or building into full compliance upon the next alteration, *renovation*, or change in use.

RECEIVED FIRST READING on this XX day of XXXXXX A.D. 20XX

RECEIVED SECOND READING on this XX day of XXXXXX A.D. 20XX

RECEIVED THIRD READING on this XX day of XXXXXX A.D. 20XX

DONE AND PASSED in Council assembled this XX day of XXXXXX A.D. 20XX

\_\_\_\_\_ Mayor/Reeve

\_\_\_\_\_ Secretary-Treasurer

## SCHEDULE A: SIGNAGE CONSTRUCTION REGULATIONS

This schedule outlines the regulatory provisions for different types of *signs*, detailing construction standards, material requirements, structural design criteria, and additional requirements for each type of *sign* listed below:

### FREESTANDING SIGNS

- 1.A All *free-standing signs* shall be constructed of non-combustible materials throughout except that:
  - (a) *Signs* not exceeding 15 ft (4.57 m) above the surface of the ground at any point may be constructed of combustible material;
  - (b) *Signs* not exceeding 25 ft (7.62 m) 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 of combustible materials.
- 2.A All *free-standing signs* exceeding 25 ft (7.62 m) in height above the adjacent finished ground shall be structurally designed by a Registered Professional Engineer in the Province of Manitoba.
- 3.A The foundation of all *free-standing signs* exceeding 15 ft (4.57 m) in height shall be of concrete.
- 4.A Projections associated with *free-standing signs* such as guys, stays and other attachments such as reflectors used to illuminate shall not be permitted less than 8 ft 6 in (2.59 m) above the surface of the ground at any point.

### AWNING AND SUN VISOR SIGNS

- 5.A No *sign* shall be attached in any manner to *awnings* or sun visors, except to an *awning* or *sun visor* constructed entirely of concrete or metal and steel, with the design certified by an Engineer entitled to practice in the Province of Manitoba.
- 6.A *Signs* permitted in accordance with Section 20.22 above shall comply with the regulations for *marquee* or *canopy signs* (see 20.29).

### FASCIA SIGNS

- 7.A All *fascia signs* shall be constructed of non-combustible materials throughout when such *signs*:
  - (a) Exceed 40 square feet (3.72 m<sup>2</sup>) on walls required to be of non-combustible construction, or;
  - (b) Are located more than 25 ft (7.62 m) above *grade*, or;



- (c) Are located within 1.97 ft (600 mm) of any window, fire escape or exit above the second storey floor line.
- 8.A A *fascia sign* constructed of wood or other combustible materials shall not be installed on a wall of wood-frame or non-combustible construction where the limiting distance prohibits combustible cladding, particularly on side and rear walls where clearance restrictions are more common.
- 9.A No *fascia sign* shall be permitted to be supported by a parapet wall unless it be structurally designed by a Registered Professional Engineer in the Province of Manitoba.
- 10.A Projections associated with *fascia signs* such as guys, stays and other attachments such as reflectors used to illuminate, shall not be permitted less than 8 ft 6 in (2.59 m) above the surface of the ground at any point.
- 11.A *Fascia signs* shall be securely attached to the building or *structure* by means of metal anchors, bolts or expansion screws. Such *signs* shall not be fastened by nails or staples to wooden blocks or nailing strips built into masonry.

#### MARQUEE AND CANOPY SIGNS

- 12.A 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:
- 13.A Construction – the *sign* construction shall be of non-combustible materials throughout except if structurally designed by a Professional Engineer certified within the Province of Manitoba;
- 14.A Height above *grade* – the lowest part of any *sign* attached to the face or edge or under a *marquee* or *canopy* shall be not less than 8 ft 6 in (2.59 m) above *grade*.
- 15.A Projection – no *sign* attached to a *marquee* or *canopy* shall project beyond the face or edges more than 16 in (406 mm) horizontally.
- 16.A The roofs of all *marquees* and canopies shall be drained in such a manner that the water flowing therefrom shall be carried back into the building.
- 17.A The vertical dimension of a *marquee* or *canopy* shall not be more than 5 ft (1.52 m).
- 18.A No electrical wiring, *illuminated* device, electrical equipment or apparatus shall be attached to or be incorporated in a *canopy* or *awning*.

## PROJECTING SIGNS

- 19.A *Projecting signs* shall not be attached or fastened in any manner to parapet walls unless such *signs* are designed by a Registered Professional Engineer of the Province of Manitoba.
- 20.A *Projecting signs* weighing more than 50 lbs (22.68 kg) shall be structurally designed by a Registered Professional Engineer of the Province of Manitoba.
- 21.A The “A” frames or other similar methods of support used in the construction of *projecting signs* shall not exceed 6 ft (1.83 m) in overall height above an exterior wall.
- 22.A *Projecting signs* shall be at least 8 ft (2.44 m) above *grade*.

## ROOF SIGNS

- 23.A All *roof signs*, including uprights, supports and braces and display area shall be of non-combustible construction, except:
  - (a) That *approved* combustible plastics may be used as facing materials and as letters and decorations;
  - (b) That the display area and molding may be of combustible materials provided such *sign*:
    - i. Is less than 25 ft (7.62 m) in height measured from the roof surface, and;
    - ii. Is less than 400 square feet (37.16 m<sup>2</sup>) on any one side.
- 24.A All *roof signs* exceeding either 250 lbs (113.4 kg) in weight or 100 square feet (9.29 m<sup>2</sup>) in area on any one side shall be structurally designed by a Registered Professional Engineer of the Province of Manitoba.
- 25.A The dead and live loads of any *roof sign* shall be transmitted to concrete foundations by non-combustible walls, columns, beams and girders, except that timber beams and columns shall be acceptable provided such timber members shall be creosoted or painted and all connections shall be by means of bolts and the *sign* and its supports are designed by a Registered Professional Engineer of the Province of Manitoba.
- 26.A 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 1.97 ft (600 mm) from the roof surfaces, shall be left under or around and immediately adjacent to all *roof signs* exceeding 3 ft (914 mm) above the roof surface. Such passage shall be not less than 3 ft (914 mm) wide by 6 ft (1.83 m) high and shall be at parapet or roof level;
  - (b) There shall be one such passage or access opening as follows:

- i. For each *roof sign* upon a building;
- ii. For every 50 lineal feet (15.24 m) of horizontal *roof sign* extension;
- iii. Within 20 ft (6.1 m) of walls and parapets when *roof signs* are located at an angle of 45 degrees or greater to a face of the building.

(c) There shall be a clearance of at least 4 ft (1.22 m) 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;

(d) No portion of any *roof sign* shall be erected within 4 ft (1.22 m) 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 that the clearances specified in (c) above are maintained.

27.A 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.

#### COMBINATION SIGNS

28.A 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.