



To: Public Works and Transportation Committee **Date:** January 31, 2006
From: Robert Gonzalez, P.Eng. **File:** 10-6350-01/2006-Vol 01
Director, Engineering
Re: **Adoption of Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8030**

Staff Recommendation

1. That Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8030 be introduced and given first, second and third readings; and
2. That staff begin enforcing Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8030 on April 1, 2006 to allow public and industry notification following adoption.

Robert Gonzalez, P.Eng.
Director, Engineering
(4150)

| FOR ORIGINATING DIVISION USE ONLY | | | | | |
|-----------------------------------|---|-------------------------------------|--------------------------|---------------------------------------|-------------------------------------|
| ROUTED TO: | | CONCURRENCE | | CONCURRENCE OF GENERAL MANAGER | |
| Law..... | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | (ACTING) |
| City Clerk..... | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | |
| Building Approvals..... | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | |
| REVIEWED BY TAG | | YES | NO | REVIEWED BY CAO | |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | YES | NO |
| | | <i>DN</i> | | | <input checked="" type="checkbox"/> |
| | | | | | <input type="checkbox"/> |

Staff Report

Origin

The City's roads and drainage systems are periodically compromised due to construction and other business related activities. The current Boulevard and Roadway Protection and Regulation Bylaw No. 6366 provides inadequate protection to the City in this regard as highlighted by several recent experiences where public thoroughfares have been compromised or left in an unsafe condition.

The purpose of this report is to amend Bylaw No. 6366 to provide an increased level of protection to the City's infrastructure.

Analysis

The City streets service a large number of activities, one of which is to provide access for business related functions such as hauling of materials, construction, etc. On occasion there are easily identified specific organizations or groups of organizations that have used the streets and left them in an unacceptable state for public use.

Boulevard and Roadway Protection and Regulation Bylaw No. 6366 (Attachment 1) was designed in 1994 with the intention of providing the City boulevard and street protection during the construction of specific buildings and/or structures. This level of protection has been found to be deficient and staff are recommending that the bylaw be amended as follows:

- Expand the range of the bylaw to include activities beyond the presently prescribed road activities associated building/structure construction (Refer to Attachment 2).
- Increase the security deposit requirements associated with building/structure construction to protect the City beyond damage to the road, curb and sidewalk only, to also include City other assets (i.e., street trees, inspection chambers) within the boulevard and road area adjacent to the development.
- Increase the City's liability protection associated consequential to compromised public thoroughfares.
- Update the security deposit and inspection charge values to current market rates, i.e., account for inflation since 1994.

Tangible City costs associated with customer non-compliance for 2005 as of November were \$40,000. These costs are driven by City's response to keep our roads and sidewalks safe, as well as staff response to public complaints. With the current bylaw, staff are unable to recover these costs even in the case of repeat offenders.

The proposed new Bylaw 8030 (Attachment 3) seeks to improve present practices and eliminate and/or mitigate the cost and liability associated impacts to the City.

Implementation

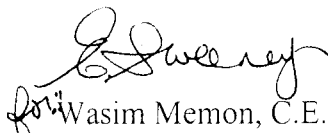
Should Council support the staff recommendation, the public will be advised via advertisements and through publication of the bylaw on the City's web site. In addition, the business community such as builders, developers and contractors will be advised in writing. Staff proposes that enforcement of the bylaw commence on May 1, 2006 to allow time for public and industry notification following adoption.


Financial Impact

The inflationary adjustment to the inspection charges is expected to provide an overall increase in revenue. The 2005-budgeted revenue for this service was approximately \$68,000.

Conclusion

The current City Bylaw 6366 has an inadequate level of protection for our streets and boulevards and has not undergone a cost adjustment since 1994. The new Bylaw 8030 seeks to provide the City an adequate level of protection and allows for cost increases. Staff recommends that the proposed new Bylaw 8030 be adopted by Council.


for: Wasim Memon, C.E.T.
Supervisor – Inspections
(4014)


Jim V. Young, P. Eng.
Manager Engineering Design and Construction
(4610)

JVY:jvy

Attachment 2

Typical Activities that Dirty City Streets

- Construction and or demolition of buildings and other structures
- Private Landscaping companies undertaking importing and exporting of materials from within local sites and individual property locations.
- Contractor's undertaking site preloads with impunity, as this activity is currently not regulated by any existing bylaws and/or policies.
- Farm/Agricultural Traffic.
- Contractors undertaking site filling and/or hauling material away from individual property locations or construction sites.

CITY OF RICHMOND



BOULEVARD AND ROADWAY PROTECTION AND REGULATION

BYLAW NO. 6366

EFFECTIVE DATE – OCTOBER 11, 1994

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

6807

September 8, 1997

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the Principal Bylaw No. 6366. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

CITY OF RICHMOND
BOULEVARD AND ROADWAY PROTECTION
AND REGULATION

BYLAW NO. 6366

WHEREAS pursuant to Section 571 of the Municipal Act the right of possession of every highway in the City is vested in the City.

AND WHEREAS Section 582 of the Municipal Act empowers the City Council to adopt a bylaw to regulate all uses of a highway, including use of a boulevard, and prohibits any person from excavating in, encumbering, obstructing, injuring or damaging any portion of a highway, except as permitted by such a bylaw.

AND WHEREAS Section 734 (1) of the Municipal Act empowers the City Council to prescribe conditions generally governing the issuance and validity of building permits, and to levy inspection charges.

AND WHEREAS the City Council deems it desirable to regulate the use of boulevards and roadways during the construction of buildings and structures and to provide for the protection of boulevards and roadways.

NOW THEREFORE the Council of the City of Richmond, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as "Boulevard and Roadway Protection and Regulation Bylaw No. 6366".

DEFINITIONS

2. In this Bylaw:
 - (a) "Boulevard" includes the portion of a highway between the roadway and boundary of a parcel adjacent to the highway, and includes without limitation any trees, landscaping, sidewalk, underground utilities or other improvement located within the boulevard.
 - (b) "Highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.
 - (c) "Roadway" means that portion of a highway which is improved for use by vehicular traffic and includes paving, underground utilities, curbs and gutters.

- (d) "Statutory Right-Of-Way" means any statutory right-of-way registered in the Land Title Office in the name of the "City of Richmond".

REGULATIONS

- 3. Every person who uses, excavates in, encumbers or obstructs a boulevard or statutory right-of-way during the construction or demolition of a building or structure shall ensure that the boulevard is maintained to a condition suitable for pedestrian usage at all times (unless such usage was not possible prior to construction or demolition), and that the boulevard and statutory right-of-way is fully restored upon completion of all ancillary works including landscaping.
- 4. Every person who uses a roadway for the movement or parking of construction equipment or the transportation of materials during the construction or demolition of a building or structure shall ensure that the roadway is immediately cleared of debris, dirt and mud at all times, and the roadway is fully restored and cleaned upon completion of all ancillary works including landscaping.
- 5. In order to ensure that the requirements in Section 3 and 4 of this Bylaw are observed and to restrain contraventions of Sections 3 and 4, any owner or agent applying for a building permit or demolition permit shall submit to the City, prior to issuance of the permit:

- (a) Security in the following amounts:

| | Type of Construction | Amount |
|-------|--|---------|
| (i) | Additions & Accessory Buildings (for Single or Two Family Dwellings) over 10 sq. m. in size; In-ground Swimming Pools; & Demolitions | \$500 |
| (ii) | Move-Offs; Single or Two Family Dwelling Construction | \$1,500 |
| (iii) | Combined Demolition & Single or Two Family Dwelling Construction | \$2,000 |
| (iv) | Commercial; Industrial; Multi-Family; Institutional; or Government Construction | \$5,000 |
| (v) | Combined Demolition and Commercial; Industrial; Multi-Family; Institutional or Government Construction | \$5,500 |

- (b) The non-refundable inspection charge required by Section 10.

- 6. The security and inspection charge required in Sections 5 and 11 will not apply to any application which covers:

- (a) Developments under an agreement with the City which contain provisions for City inspections.
- (b) Interior alterations within the confines of exterior walls and not altering or affecting City services.

- 7. The security required by Section 5 (a) shall be in the form of cash or cheque payable to the City.

8. In the event of any non-compliance with Sections 3 or 4, the security may be applied by the City toward the cost of restoration or cleaning of the boulevard, roadway and/or statutory right-of-way.
9. If the security is used by the City, any unused portion of the security shall be returned to the owner or agent. In the event the cost of restoration or cleaning exceeds the amount of the security, nothing in this Bylaw shall limit the liability of the owner or agent with respect to those costs.
10. If the boulevard, roadway and statutory right-of-way are undamaged and the roadway is clean upon completion of all ancillary works including landscaping, the security shall be returned.

INSPECTION CHARGE

Bylaw 6807

11. (a) A non-refundable inspection charge in the following amount shall be payable at the same time as the security, toward the cost of inspection of the boulevard, roadway and statutory right-of-way. The charge covers two inspections, once before and once after demolition and/or construction.

| | Type of Construction | Amount |
|-------|--|--------|
| (i) | Additions & Accessory Buildings (for Single or Two Family Dwellings) over 10 sq. metres in size; In-ground Swimming Pools; & Demolitions | \$75 |
| (ii) | Move-Offs; Single or Two Family Dwelling Construction | \$75 |
| (iii) | Combined Demolition & Single or Two Family Dwelling Construction | \$75 |
| (iv) | Commercial; Industrial; Multi-Family; Institutional; or Government Construction | \$100 |
| (v) | Combined Demolition & Commercial; Industrial; Multi-Family; Institutional or Government Construction | \$100 |

Bylaw 6807

- (b) If additional inspections are required as a result of the final inspection showing failure on the part of the owner or agent to complete all ancillary works including landscaping, a charge of \$75 shall be payable for each additional inspection.

OFFENCE AND PENALTY

12. Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding \$5,000.

This Bylaw may be cited as “**Boulevard and Roadway Protection and Regulation Bylaw No. 6366**”.

Attachment 2

Typical Activities that Dirty City Streets

- Construction and or demolition of buildings and other structures
- Private Landscaping companies undertaking importing and exporting of materials from within local sites and individual property locations.
- Contractor's undertaking site preloads with impunity, as this activity is currently not regulated by any existing bylaws and/or policies.
- Farm/Agricultural Traffic.
- Contractors undertaking site filling and/or hauling material away from individual property locations or construction sites.



**BOULEVARD AND ROADWAY PROTECTION AND REGULATION
BYLAW NO. 6366, AMENDMENT BYLAW NO. 8030**

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 6366 is amended by deleting section 4 and substituting the following:

4. Every person who uses a roadway for the following purposes:

- (a) transportation, movement or parking of construction or demolition equipment;
- (b) transportation of material during the construction or demolition of a building or structure;
- (c) transportation of material or equipment as part of a commercial or industrial construction operation;
- (d) transportation of material or equipment for preloading or removal of preload at a site in preparation for construction;
- (e) transportation of material for a commercial or industrial landscaping, horticultural or tree removal operation;
- (f) transportation of materials for a site infill operation, including, without limitation, on property located with the agricultural land reserve or pursuant to a permit issued by the Agricultural Land Commission; or
- (g) transportation of equipment and materials for an agricultural or farm operation

shall ensure that the roadway is immediately cleared of any materials, debris, dirt or mud deposited on the roadway during the activity or as a result of the activity, and shall ensure that the roadway is fully cleaned and restored during and upon completion of the activity.

2. Bylaw No. 6366 is amended by deleting Sections 7 through 10 and substituting the following:

- 7. The security required by Section 5 (a) shall be in the form of a cash deposit, an irrevocable letter of credit, or a cheque payable to the City.

8. In order to ensure that roadways and drainage systems are kept clear of materials, debris, dirt or mud during or resulting from activities described in section 4, a person who undertakes
- (a) a commercial or industrial landscaping, horticultural or tree removal operation;
 - (b) site preparation preload at a parcel or single construction site; or
 - (c) site infill of materials to a site or removal of materials from a site

shall provide security to the City in the form of a cash deposit, an irrevocable letter of credit or a cheque payable to the City in the amounts and at the times stated as follows:

- (d) \$2,500 for delivery to or removal of materials as part of a landscaping, horticultural, or tree removal operation, prior to issuance or renewal of a related business licence from the City;
 - (e) \$5,000 for site preparation preload, prior to commencement of each construction project or undertaking; and
 - (f) \$5,000 for site infill or removal of soil materials from a single parcel or identified construction site, prior to delivery or removal of the materials.
9. The City may draw on the security
- (a) described in Section 5 in the event of non-compliance with Sections 3 or 4, from the owner or agent, or
 - (b) described in Section 8 in the event of non-compliance with Section 4, from the person responsible for the undertaking,

and may apply the security toward the City's cost of cleaning and restoration of the boulevard, highway, roadway or drainage system as applicable of material, debris, dirt or mud resulting from the non-compliance.

10. If the City draws on security provided under Section 5 or Section 8, any unused portion of the security shall be returned to the person who provided it. If the cost of cleaning or restoration by the City exceeds the amount of the security provided, the person responsible shall be responsible to pay any amount exceeding the amount secured, and nothing in this Bylaw shall limit the liability of the owner, agent, or person undertaking an activity described herein with respect to those costs.

- 3. Bylaw No. 6366 is amended at section 11 (a) (i), (ii) and (iii) by deleting the figure “75” wherever it appears and substituting the figure “150”.
- 4. Bylaw No. 6366 is amended at section 11 (a) (iv) and (v) by deleting the figure “100” wherever it appears and substituting the figure “200”.
- 5. Bylaw No. 6366 is amended by deleting section 12 and substituting the following:
 - 12. Any person who contravenes or violates any provision of this bylaw or who suffers or allows any action or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required to be done under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000 CDN); and where the offence is a continuing one, each day that the offence continues shall constitute a separate offence.
- 6. This Bylaw is cited as “**Boulevard And Roadway Protection And Regulation Bylaw No. 6366, Amendment Bylaw No. 8030**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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| CITY OF RICHMOND |
| APPROVED for content by originating dept. |
| APPROVED for legality by Solicitor |

MAYOR

CORPORATE OFFICER