



City of Richmond

Report to Committee

To: Public Works and Transportation Committee **Date:** September 27, 2006
From: Robert Gonzalez, P.Eng.
Director, Engineering **File:** 10-6350-01/2006-Vol 01
Re: **Adoption of Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8142**

Staff Recommendation

1. That Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8142 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. 8142 on November 1, 2006.

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

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER
City Clerk.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	 for Jeff Day
Law.....	Y <input type="checkbox"/>	N <input checked="" type="checkbox"/>	
Business Licences.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

In February 2006, Council adopted Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8030 which provided for an increased level of protection to the City's infrastructure. In the 6 months since the adoption of this amended bylaw, staff have had the opportunity to successfully implement the majority of the changes with the exception of the areas related to landscaping.

The purpose of this report is to seek Council approval to adopt a further amendment to Bylaw No. 6366 to address the implementation difficulties associated with landscaping activities.

Analysis

The City's roads and drainage systems are periodically compromised due to construction and other business related activities. Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8030 (Attachment 1) was prepared to provide increased protection to the City in this regard as a result of several recent experiences where public thoroughfares have been compromised or left in an unsafe condition.

Amendment Bylaw No. 8030 has been in effect for approximately the last 6 months. While staff have been able to successfully implement the majority of the changes, difficulties have been experienced with implementing the areas related to commercial or industrial landscaping, horticultural or tree removal operations and the associated security requirements.

- Commercial and industrial landscaping organizations range from one employee home operations to large companies with numerous employees. The one employee operations would experience financial hardship to pay the fee (\$2,500) associated with the bylaw.
- There are numerous landscaping organizations throughout the Greater Vancouver area that provide services in Richmond. It is administratively difficult if not impossible to identify the organizations that provide service in Richmond and then seek the fee associated with the bylaw accordingly.

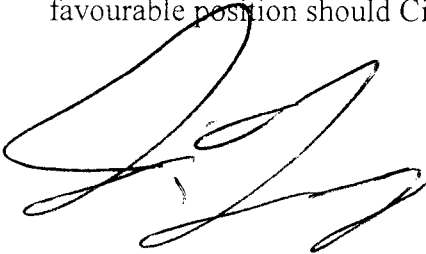
Given the practicalities of implementing the financial aspects of the landscaping related items in Amendment Bylaw No. 8030, staff have prepared Amendment Bylaw No. 8142 (Attachment 2) which specifically deletes the security requirements from the commercial or industrial landscaping, horticultural or tree removal organizations. With this proposed amendment, the City will still have protection from those landscape related organizations who may compromise City streets as there remains a clause that allows for fines of up to \$10,000 per day.

Financial Impact

There is no financial impact.

Conclusion

The majority of the items in Boulevard and Roadway Protection and Regulation Bylaw No. 6366, Amendment Bylaw No. 8030 have been successfully implemented. Implementation of the security related aspects of the amendment bylaw associated with commercial or industrial landscaping, horticultural or tree removal operations presents financial hardship and is not practical. Amending the bylaw to remove the security references to these items will still leave the City in a favourable position should City streets be compromised by these types of operations.

A handwritten signature in black ink, appearing to read 'J. Young', is written over the text of the conclusion.

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

JVY:jvy



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

8030

March 13, 2006

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 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.

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 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.

INSPECTION CHARGE

- 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	\$150
(ii)	Move-Offs; Single or Two Family Dwelling Construction	\$150
(iii)	Combined Demolition & Single or Two Family Dwelling Construction	\$150
(iv)	Commercial; Industrial; Multi-Family; Institutional; or Government Construction	\$200
(v)	Combined Demolition & Commercial; Industrial; Multi-Family; Institutional or Government Construction	\$200

- (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 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.

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



City of Richmond

Bylaw 8142

**Boulevard and Roadway Protection and Regulation Bylaw No. 6366,
Amendment Bylaw No. 8142**

The Council of the City of Richmond enacts as follows:

1. Part 8 of Bylaw No. 6366 is hereby amended by deleting clauses (a) and (d) in their entirety, and by renumbering the remaining clauses accordingly.
2. This Bylaw is cited as **“Boulevard And Roadway Protection And Regulation Bylaw No. 6366, Amendment Bylaw No. 8142”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER