



**Underpinning Works and Construction Fence Encroachment Bylaw No.
9833,
Amendment Bylaw No. 10599**

The Council of the City of Richmond enacts as follows:

1. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended by renaming the bylaw the “Construction Encroachment Bylaw No. 9833”.
2. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at Part One: Underpinning Works and Construction Fence by:

- a) replacing the title of Part One with the following:

“PART ONE: UNDERPINNING WORKS, CONSTRUCTION FENCE AND CRANE SWINGS”

- b) inserting the words “or a City Statutory Right of Way” after the words “City Property” in section 1.1.1;
- c) inserting the words “or a City Statutory Right of Way” after the words “City Property” in section 1.2.1; and
- d) inserting the following after section 1.2.1:

“1.3 Crane Swing Permit

1.3.1 No person shall erect, construct, install, maintain, use, or permit the use of, a Crane in any manner that results in, or would reasonably be expected to result in, a Crane Swing without first making application for and obtaining a Crane Swing Permit and every such construction, use or maintenance shall be undertaken in all respects to the requirements and regulations of this Bylaw and the terms and conditions of the Crane Swing Permit.

1.3.2 Notwithstanding any other provision of this bylaw, no person shall erect, construct, install, maintain, use, or permit the use of, a Crane in any manner that would result in the boom or other parts of the Crane swinging over air space of City Property that is not City Highway, without first entering into an agreement with the City.”

3. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at Part Two: Underpinning Works Permit and Construction Fence Permit Application Process by replacing the title of Part Two with the following:

“PART TWO: UNDERPINNING WORKS, CONSTRUCTION FENCE AND CRANE SWING PERMIT APPLICATION PROCESS”
4. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 2.1 Application Requirements by:
 - (a) inserting the words “or using, allowing or maintaining a Crane Swing,” after the words “Construction Fence,” in section 2.1.1(a);
 - (b) deleting the words “Underpinning Works or Construction Fence” in section 2.1.1(c) and replacing them with the words “Underpinning Works, Construction Fence or Crane Swing”;
 - (c) deleting the words “Underpinning Works or Construction Fence” in section 2.1.1(e) and replacing them with the words “Underpinning Works, Construction Fence or Crane Swing”;
 - (d) deleting the words “applicable fees” in section 2.1.1(d) and replacing them with the words “applicable application fee”;
 - (e) deleting the words “Underpinning Works or a Construction Fence” in section 2.1.2 and replacing them with the words “Underpinning Works, a Construction Fence or a Crane Swing”; and
 - (f) deleting the words “constructed or a Construction Fence has been installed” in section 2.1.3 and replacing them with the words “constructed, a Construction Fence has been installed, or a Crane Swing has occurred”.
5. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 2.2 Security Deposit by deleting the words “issuance of a Permit” in section 2.2.1 and replacing them with the words “issuance of a Permit, or the renewal of a Permit,”.
6. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 2.3 Permit Issuance by:
 - (a) deleting the words “applicable fees” in section 2.3.1(d) and replacing them with the words “applicable encroachment fee and inspection fee”;
 - (b) inserting the words “or the City’s Risk Manager or their delegates” after the words “General Manager” in section 2.3.1(e); and
 - (c) inserting the following after section 2.3.2(f):

“2.3.3 Subject to section 2.3.4, the General Manager may issue a Crane Swing Permit upon being satisfied that:

- (a) the proposed Crane Swing complies with this Bylaw and all Applicable Laws;
- (b) the Crane Swing operation, as applicable, can be carried out safely, without undue nuisance or interference to the public, or damage or injury to persons or Property;
- (c) the Applicant has complied with the applicable requirements of section 2.1 [*Permit Application Requirements*]; and
- (d) the Applicant has provided proof of general liability insurance coverage in an amount and on terms satisfactory to the General Manager or the City’s Risk Manager or their delegates.

2.3.4 The General Manager may refuse to issue Crane Swing Permit if the requirements of section 2.3.3 have not been met or the General Manager is of the opinion that the proposed Crane Swing will or is reasonably likely to:

- (a) endanger, damage, or otherwise adversely affect any structure, Highway, easement, utility works and services or right-of-way, whether privately or publicly owned;
- (b) contravene any Applicable Laws;
- (c) threaten the health, safety, or welfare of the public or be otherwise contrary to the public interest; or
- (d) result in the use of the Subject Property in a manner inconsistent with the current zoning for the Subject Property.”

7. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 3.1.1 by:

- (a) deleting the words “Underpinning Works or install a Construction Fence” in the first paragraph, and replacing them with the words “Underpinning Works, install a Construction Fence, or allow a Crane Swing”;
- (b) inserting the word “partners,” before the words “directors, officers” in section 3.1.1(b);
- (c) deleting sections 3.1.1(c) and (d) and replacing them with the following:

“(c) the design, construction and installation of the Underpinning Works or the Construction Fence, or the use of the Crane Swing, as applicable, occurs at all times in accordance with sound engineering and construction practices and is

carried out in accordance with the terms of this Bylaw, the applicable Permit and all Applicable Laws;

(d) the installation of the Underpinning Works or the Construction Fence, as applicable, will not interfere with or cause damage to any existing underground utilities or services, whether such utilities or services are owned by the City, by the Greater Vancouver Regional District or by any private or public utility. The use of the Crane Swing will not interfere with or cause damage to any existing utilities or services, whether such utilities or services are owned by the City, by the Greater Vancouver Regional District or by any private or public utility. The Owner shall be solely responsible for all costs of determining the location of any and all such relevant utilities and services;”

(d) deleting the words “Underpinning Works or the installation of a Construction Fence” in section 3.1.1(g) and replacing them with the words “Underpinning Works, or the installation of a Construction Fence, or the installation, use, maintenance and operation of a Crane that is the subject of the Crane Swing”;

(e) deleting the words “Underpinning Works or Construction Fence” in section 3.1.1(h) and replacing them with the words “Underpinning Works, the Construction Fence or the Crane Swing”;

(f) deleting section 3.1.1(i) and replacing it with the following:

“(i) the Owner will be solely responsible throughout the construction of the Underpinning Works, the installation of the Construction Fence or the use of the Crane Swing to protect persons and property in the vicinity of the Underpinning Works, Construction Fence or Crane Swing from injury, loss or damage;”

(g) deleting section 3.1.1(j) and replacing it with the following:

“(j) the Owner will be responsible for the prompt payment of all fees, permits and construction expenses of the Underpinning Works, Construction Fence or Crane Swing of any kind whatsoever including, without limitation, reasonable legal fees and disbursements incurred by the City in connection with or arising out of the preparation and interpretation of this Bylaw or a Permit and any dispute or enforcement in connection therewith;

(k) the Owner will call for such inspections by the City as are required pursuant to the terms of the Permit, and will pay the additional inspection fee as set out in the *Consolidated Fees Bylaw No. 8636* if an additional inspection is required as a result of there being deficiencies identified during a required inspection.”

8. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended by deleting section 3.3.1 and replacing it with the following:

“3.3.1 Every Permit issued under this Bylaw shall expire and cease to authorize any Underpinning Works, Construction Fence or Crane Swing 12 months following the

date of issue or upon such earlier date as may be specified in the Permit unless an expiry date for a different term is specified in the Permit or a renewal for the Permit has been issued in accordance with section 3.4.”

9. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended by deleting section 3.4.1 and replacing it with the following:

“3.4.1 If the Underpinning Works operations are not completed before the Underpinning Works Permit expires, or if a Construction Fence is still required at the time the Construction Fence Permit expires, or if a Crane Swing is still required at the time the Crane Swing Permit expires, then the General Manager may renew, extend, or modify the Permit upon written request of the Permittee, subject to the following:

- (a) there is no obligation on the City to renew any Permit;
- (b) the Permittee shall pay the appropriate non-refundable Permit renewal fee as specified in the *Consolidated Fees Bylaw No. 8636*;
- (c) if the renewal is for an Underpinning Works Permit or a Construction Fence Permit, and the encroachment fee specified in the *Consolidated Fees Bylaw No. 8636* has increased since such Permit was issued, the Permittee shall pay an amount equal to the difference between the current encroachment fee and the encroachment fee paid for the original Permit;
- (d) the application for a renewal, extension, or modification is received no later than 30 days before the expiry date of the existing Permit;
- (e) the General Manager may require that the Permittee provide additional information authorized by this Bylaw as a pre-condition to considering an application for a Permit renewal, extension or modification.”

10. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended by deleting section 4.1 and replacing it with the following:

“4.1 Suspension of a Permit.

4.1.1 The General Manager may suspend any Permit where, in the opinion of the General Manager there is a contravention of or non-compliance with the terms and conditions of the Permit, this Bylaw, or any other City bylaw relevant to Underpinning Works, Construction Fence or Crane Swing that is the subject of the Permit. The Permit shall remain suspended and will cease to authorize the Underpinning Works, Construction Fence or Crane Swing that is the subject of the Permit until, in the opinion of the General Manager, compliance is obtained. During a Permit suspension, the General Manager may require an Owner to remove the Construction Fence which the Owner will do within five days of notice.

4.1.2 Where a Permit is suspended, the General Manager will cause written notice of suspension to be delivered to the Owner of the Subject Property by registered mail and to be posted on the Subject Property where possible.

4.1.3 Sections 4.1.1 and 4.1.2 are without prejudice to any other remedies available to the City under this Bylaw, any other law, or in equity.”

11. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 4.2.1 by deleting the words “Underpinning Works or Construction Fence” and replacing them with the words “Underpinning Works, Construction Fence or Crane Swing”.
12. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 4.2.5 by deleting the words “Underpinning Works or Construction Fence” in sections 4.2.5(a) and (b) and replacing them with the words “Underpinning Works, Construction Fence or Crane Swing”.
13. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 4.2.6 by deleting the words “Underpinning Works or Construction Fence” and replacing them with the words “Underpinning Works, Construction Fence or Crane Swing”.
14. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 4.2.7 by deleting the words “Underpinning Works or Construction Fence” and replacing them with the words “Underpinning Works, Construction Fence or Crane Swing”.
15. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 5.1.1 by deleting the words “\$10,000” and replacing them with the words “\$50,000”.
16. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 6.1 by adding the following definitions in alphabetical order:

“CITY STATUTORY RIGHT OF WAY means any statutory right of way, as defined in the *Land Title Act*, [RSBC 1996] Ch. 250, granted in favour of the City.

CRANE means a fixed construction crane, including tower cranes, used to move materials vertically and/or horizontally, but does not include a wheel-mounted crane or crawler crane.

CRANE SWING means the swing of the boom or other parts of a Crane over air space of City Highway.

CRANE SWING PERMIT means an authorization by the City to allow a Crane Swing issued under this bylaw.”

17. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended at section 6.1 by deleting the definitions of “Owner”, “Permit” and “Subject Property” and replacing them with the following:

“OWNER means a person registered in the records of the Land Title Office as the fee simple owner of the Property to which the Underpinning Works, Construction Fence or Crane Swing, as applicable, relate.

PERMIT means, as applicable, any or all of an Underpinning Works Permit, a Construction Fence Permit or a Crane Swing Permit issued under this Bylaw.

SUBJECT PROPERTY means “Property” to which an Underpinning Works Permit, a Construction Fence Permit or a Crane Swing Permit relates.”

18. Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, as amended, is further amended by deleting section 7.2 and replacing it with the following:

“7.2 This Bylaw is cited as **“Construction Encroachment Bylaw No. 9833”**.”

19. This Bylaw is cited as **“Underpinning Works and Construction Fence Encroachment Bylaw No. 9833, Amendment Bylaw No. 10599”**.

FIRST READING

SEP 23 2024

SECOND READING

SEP 23 2024

THIRD READING

SEP 23 2024

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division

APPROVED for legality by Solicitor
BRB

MAYOR

CORPORATE OFFICER