

BYLAW NO. 3161/96

¹Being a Bylaw of the City of Red Deer to provide for the regulation and safe interaction between pedestrian and vehicular traffic; and the use of streets, sidewalks and lanes incidental with construction, demolition and maintenance activities;

WHEREAS subsections 7 (a) and (b) of the Municipal Government Act authorize Council to regulate any matter or thing in order to protect life or property;

AND WHEREAS section 25 of the said Act authorizes Council to provide for the temporary closure of a street or lane;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the “Use of Streets Bylaw”.

DEFINITIONS

2 In this Bylaw, the following words shall have the following meanings:

- (a) “Director” means the Director of Development Services or any person authorized by the Director to act on his behalf;
- (b) “Hoarding” means a protective fence erected around a building site which is designed to contain construction activities and limit the escape of construction debris from the site;

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- (c) “Hooding” in connection with parking meters means the covering of a parking meter with a sack designating the metered space as a “no parking” area to reserve that area for the exclusive use of the permit holder;
- (d) “Site” means a site where a project involving construction, excavation, demolition, repair, or renovation is being conducted.
- ²(e) “Windrow” means the linear ridge or pile of snow that if left behind after snow plowing equipment passes by.

HOARDING PERMITS

- 3 (1) No person shall construct, renovate, repair or demolish any building over any City lands without being the holder of a valid Hoarding Permit.
- (2) No person shall fail to comply with the requirements set forth in a Hoarding Permit.
- 4 Application for a Hoarding Permit may be made to the Inspections and Licensing Department of the City.

USE OF STREETS (OTHER THAN FOR CONSTRUCTION OR DEMOLITION)

- 5 No person shall use any equipment or conduct any work over a City street, sidewalk, lane or alley without being the holder of a valid Use of Streets Permit.

6 Application for a Use of Streets Permit in respect of the use of street, lane or sidewalk other than for construction and demolition may be made to the Engineering Department of the City.

- ³(1) Any equipment operator who is privately engaged to remove Windrows by means of a motorized vehicle must hold a Seasonal Use of Streets permit.
- (2) Snow collected during Windrow removal must not be deposited on City property other than a designated snow-collection site.
- (3) A seasonal Use of Streets Permit is valid from October 1st to May 31st.

CONSTRUCTION ACTIVITIES ON CITY LANDS

7 No person shall:

- (a) place, pile, or store any material or equipment on; or
- (b) load or unload materials or equipment on or from any vehicles on;
or
- (c) place any obstruction on; or
- (d) carry on any construction activities which encroach upon or interfere with the public use of,

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any City lands without obtaining a Permit from the Director.

ISSUANCE OF PERMITS

8 Upon receipt of an application and payment of the fee and any other amount provided in Schedule "A", the Director may issue permits to allow:

- (a) the temporary use of a portion of a City street, sidewalk, lane, or other City lands;
- (b) the erection of temporary hoarding adjacent to or upon City lands;
- (c) the temporary hooding of City parking meters for a period of time not in excess of the estimated duration of the planned construction or other work.

9 All permits issued under this Bylaw shall be subject to:

- (a) the regulations contained in Schedule "B";
- (b) such conditions, regulations, and provisions which the Director deems necessary or advisable
 - (i) to ensure that members of the public have maximum continued use of City lands;
 - (ii) to indemnify and save harmless the City in respect of any injuries to or death of any person or damage to any City lands and the property of others thereon, including all claims, demands, actions for or judgements and costs

arising therefrom;

- (iii) to ensure that the plans and methods of construction or demolition and all activities on the site make adequate provision for the safety of the public, including safe passage past the site;
- (c) the Applicant providing evidence of comprehensive general liability insurance, bonding, or such other form of suitable guarantee which the Director considers necessary or advisable.
- (1) ⁴The fees for permits under this Bylaw shall be as set out in Schedule A, except as otherwise established from time to time by resolution of Council. On April 30 of each year the fees shall automatically be adjusted to reflect the change in the Alberta Average Consumer Price Index. The City Manager or designate shall calculate the annual change in fees.

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REVOCACTION OF PERMITS

- 10 (1) Any permit under this Bylaw may be revoked by the Director or a Safety Codes Officer where the holder of such permit:
- (a) has breached or failed to comply with the terms, conditions, or requirements contained in the permit, or this Bylaw;
 - (b) fails to pay to the City any costs payable under this Bylaw;
- (2) A permit shall expire at the end of any time period specified in the permit.

REMOVAL OF OBSTRUCTIONS FROM CITY LANDS

- 11 No person shall:
- (a) place or cause to be placed, any hoarding, dirt, gravel, concrete, building materials, or any other obstruction, materials or equipment on City lands without a permit; or
 - (b) leave any hoarding, or such obstruction, materials or equipment upon City lands after the expiry of a permit; or
 - (c) fail to remove such hoarding or such obstruction, materials or equipment from City lands within the time fixed and contained in a notice in writing delivered to such person.

- 12 (1) The Director or a Peace Officer, Bylaw Enforcement Officer or Safety Codes Officer may issue a notice requiring any person to remove any hoarding, dirt, gravel, concrete, building materials, or any other obstruction, materials or equipment from City lands and may specify in such notice a time, not exceeding 24 hours, for such removal.
- (2) Where any person fails to remove any obstruction, materials or equipment in accordance with such notice, the Director may remove or authorize and cause the removal of the obstruction, materials or equipment and perform all necessary repairs to City lands.
- (3) All costs so incurred by the City shall be payable to the City, on demand, by the person to whom the notice was given.

BREACH

- 13 ⁵Any person who contravenes any provision of this Bylaw is guilty of an offence and liable to a specified penalty as follows:
- (a) \$250 for a first offence;
- (b) \$500 for any subsequent offences.

OFFENCE TICKET

- 14 Where a Peace Officer, Bylaw Officer or Safety Codes Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he may serve upon such person an offence ticket allowing the payment of the specified penalty to the City, which shall be accepted by the City in lieu of prosecution for the offence.

- 15 Should any portion of this Bylaw be found by any court to be void or unenforceable, then it is the intention of Council that the remainder of this Bylaw shall remain in full force and effect, notwithstanding such ruling.

- 16 Use of Streets Bylaw No. 2939/87 is repealed.

READ A FIRST TIME IN OPEN COUNCIL this 25 day of March 1996.

READ A SECOND TIME IN OPEN COUNCIL this 25 day of March 1996.

READ A THIRD TIME IN OPEN COUNCIL this 25 day of March 1996.

AND SIGNED BY THE MAYOR AND CITY CLERK this 25 day of March 1996.

 “G. D. SURKAN”

 MAYOR

 “KELLY KLOSS”

 CITY CLERK

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SCHEDULE "A"

- 1 Hoarding and Use of Streets Permit Fee:
- (a) Placement of building materials, tools, machinery, or construction device on or over City lands - per day or part thereof \$50.00;
 - (b) Placement of building materials, tools, machinery, construction device on or over City lands for an extended period of time:
 - (i) use of more than one-half of a street or lane shall be a fee of \$15.00 per lineal metre or part thereof per month or part thereof;
 - (ii) use of one-half of less of a street or lane shall be a fee of \$7.50 per lineal metre or part thereof per month or part thereof;
 - (iii) use of a sidewalk shall be a fee of \$3.50 per lineal metre or part thereof per month or part thereof.
- 2 Parking Stall Fee:
- (a) \$16.60 service charge plus \$3.50 per hooded meter per day,
 - (b) \$10.00 per parking stall per day of operation in an unmetered parking area.
- ⁶3 Seasonal Use of Streets Permit:
- (a) Holders of a valid City of Red Deer Business License – no charge.
 - (b) All others - \$50.00

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SCHEDULE "B"
REGULATIONS

- 1 (1) Provision shall be made at all times for the safe passage past the project site of both pedestrian and vehicular traffic to the satisfaction of the Safety Codes Officer.
- (2) Where a sidewalk exists adjacent to the project, it shall be kept clear of obstruction at all times.
- (3) Where the construction operations necessitate the obstruction of the sidewalk, a temporary sidewalk shall be provided where necessary and it shall be kept clear of obstruction at all times.
- (4) Operations such as the hoisting of major components onto a tall building or other overhead activities that constitute a hazard to pedestrians below from which the public cannot be protected by barricades, covered ways or similar means shall not be carried out until the street or other public way is temporarily closed for such purpose.
- (5) Excavations in streets or public property shall be adequately barricaded and warning signs or lights shall be installed on each section of such barricades.
- (6) All sidewalks, streets, or other public property that have been damaged shall be restored to a safe condition and all obstructions pertaining to the project shall be removed when the need for such obstruction is ended.

SCHEDULE "B"
REGULATIONS

- (7) Warning lights shall be placed and shall be in operation during the hours of darkness at all obstructions or excavations on streets or other public ways.
- (8) Before excavation begins, all existing gas, electrical, water steam and other utility services shall be shut off, capped and labelled so as to permit easy identification outside the limits of the excavation.
- (9) The utility company whose service connections will be affected shall be notified in advance of any action and, if it is necessary to maintain any such service, it shall be relocated as necessary and protected from damage in such a way as to afford safety to the public.
- (10) Existing gas, electrical, water, steam and other utility services may be left within the area of the excavation provided that:
 - (a) before work begins, the service company involved must provide its approval as to the proposed method of operation;
 - (b) their location is determined before excavation commences;
 - (c) a suitable method of excavation is adopted which will ensure that they are not damaged; and
 - (d) suitable temporary supports are provided.
- (11) Excavations shall be kept reasonably clear of water so as not to endanger the safety of the public or to create conditions hazardous to health.

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REGULATIONS

- (12) If the stability of adjoining structures, walls, or services may be endangered by the work of excavating, adequate underpinning, shoring, and bracing shall be provided to prevent damage to, or movement of, any part of the adjoining property, or the creation of a hazard to the public.

TRAFFIC ACCOMMODATION

- 2 (1) Where a hazard to vehicular traffic or a highway (as defined) is created by work on a construction site, one or more of the following methods shall be provided to accommodate vehicular traffic through or across the hazard:
- (a) one or more competent and trained Flag Persons;
 - (b) proper and adequate advance warning and work site signing;
 - (c) effective lane control devices;
 - (d) work site barriers;
 - (e) flashing lights, clearly visible during the hours of darkness.
- (2) Flag Person - a person designated as a Flag Person shall be properly trained and instructed in his or her responsibilities. He or she shall be provided with, but not limited to, the following equipment:
- (a) traffic vest;

SCHEDULE "B"
REGULATIONS

- (b) hard hat;
 - (c) stop/slow paddle and for hours of darkness, a florescent wand flashlight.
- (3) Red Flag - use of a red flag as a device to direct traffic should only be considered in an emergency situation. Its use shall be to alert and stop traffic only.