

# CITY OF KELOWNA

## BYLAW NO. 9695

### Amendment No. 8 to Traffic Bylaw No. 8120

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The Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 5.1 Highway Use Prohibitions** of **PART 5 – HIGHWAY USE REGULATIONS** of "Traffic Bylaw No. 8120" be amended by:
  - (a) adding the following wording at the end of sub-section 5.1.7 Materials on Highway:

"Upon completion of construction, or at any time during construction where soil accumulates on a public road, **sidewalk** or in a drainage system as a result of construction activity in a subdivision or development, the applicant for the subdivision or development approval must remove and dispose of the accumulated soil. If the applicant fails to remove or dispose of the accumulated soil within 72 hours of notification from the **City Engineer**, the **City** may remove and dispose of the accumulated soil at the expense of the **owner** of the property being subdivided or developed."; and
  - (b) adding the following wording at the end of sub-section 5.1.9 Materials from Private Property:

"Upon completion of construction, or at any time during construction where soil accumulates on a public road, **sidewalk** or in a drainage system as a result of construction activity in a subdivision or development, the applicant for the subdivision or development approval must remove and dispose of the accumulated soil. If the Applicant fails to remove or dispose of the accumulated soil within 72 hours of notification from the **City Engineer**, the **City** may remove and dispose of the accumulated soil at the expense of the **owner** of the property being subdivided or developed."
2. AND THAT **Section 5.4 Road Usage** of **PART 5 – HIGHWAY USE REGULATIONS** of "Traffic Bylaw No. 8120" be amended by:
  - (a) deleting the existing sub-section 5.4.3 Damage and Security Deposit and replacing it with the following:

"5.4.3 Damage and Security Deposit. As a prerequisite to the issuance of a **road usage permit** under 5.4.2 of this Part, the **City Engineer** may request that the applicant deposit with the City a sufficient sum of money, or irrevocable letter of credit from a chartered bank of Canada if the amount required to be deposited is greater than \$500.00, to secure the payment of the cost of repairing any damage done to the **highway** and the fulfillment of the obligations imposed by the **road usage permit**, including the remedy of any deficiencies in the work, and where applicable, the cost of one year's maintenance.";
  - (b) deleting the existing sub-section 5.4.6 Plans and replacing it with the following:

"5.4.6 Plans. The applicant shall provide, in triplicate, accurate plans and specifications for any new works to be undertaken and when such are supplied

and approved by the **Engineer** and the necessary **road usage permit** issued, the work shall conform in every way to the plans and specifications so provided.”; and

- (c) deleting the existing sub-section 5.4.10 Materials to complete work and replacing it with the following:

“5.4.10 Materials to Complete Work. The applicant shall ensure all materials, labour and equipment which are needed to complete the work within the time period specified are available to the applicant before applying for a **road usage permit**.”.

3. AND THAT **Section 5.5 Hoarding Permits** of **PART 5 – HIGHWAY USE REGULATIONS** of “Traffic Bylaw No. 8120” be amended by:

- (a) deleting the words “Inspection Services” from sub-sections 5.5.2 Issue Hoarding Permits, and 5.5.3 Hoarding Permit Application, and replacing them with the word “Transportation”;

- (b) adding the following wording at the end of sub-section 5.5.5 Hoarding Standards:

“All applicable construction schedules shall be submitted to the **City’s** Inspection Services Department.”; and

- (c) renumbering the second sub-section 5.5.5 Additional Costs as sub-section 5.5.6.

4. AND THAT **Section 5.6 Reduced Speed Roads** of **PART 5 – HIGHWAY USE REGULATIONS** of “Traffic Bylaw No. 8120” be amended by deleting sub-section 5.6.1 Reduced Speed Road Permits and replacing it with the following:

“5.6.1 Reduced Speed Road Permits. Where the **City** has determined that the speed on a particular **highway** or portion of **highway** is to be reduced pursuant to subsection 209(1)(a) or 209(1)(d) of the Motor Vehicle Act, as amended from time to time, no **vehicle** with greater than three axels shall be permitted to travel on that **highway** without first obtaining a **road usage permit** from the **City**. The authority to issue such **permits** is hereby delegated to the **City Engineer**.”

5. AND THAT **SCHEDULE “A” – FEES** of “Traffic Bylaw No. 8120” be amended by:

- (a) deleting the permit fee under “**Overweight or Oversize Vehicles Permit** fee:” under **PART 3 – VEHICLE REGULATIONS** and replacing it with the following:

“\$100 per **permit**”;

- (b) deleting the fee structure table under “Subsection 5.4.2 – Road Usage Permit” under **PART 5 – HIGHWAY USE REGULATIONS** and replacing it with the following:

<u>“Duration of Permit</u>	<u>Fee</u>
<b>Traffic Impedance</b>	Free
1 day or less	\$50
2 days to 7 days	\$200
8 days to 30 days	\$350

More than 30 days	\$350/month
Extension Fee	\$40"; and

- (c) adding the following under "Subsection 5.5.3 **Hoarding Permit** Application":

"Hoarding occurring for less than 8 hours	\$50
Hoarding occurring for greater than 8 hours, up to 1 month	\$8m <sup>2</sup> /month or portion thereof".

6. AND THAT **SCHEDULE B – ROAD USAGE PERMITS** of "Traffic Bylaw No. 8120" be amended by:

- (a) deleting the title "Accommodation of single lane traffic and pedestrians" from section 10 and replacing it with the following:

"Accommodation of Single Lane Traffic, Pedestrians and Cyclists";

- (b) adding the following wording at the end of existing wording in section 10:

"The Permittee, at all times, will provide on an arterial or collector road a minimum **lane** width of 3.5 metres and on all other roads a minimum of 3.0 metres, unless otherwise approved by the **City Engineer**. The **roadway** surface shall be level, free of potholes and other impediments. The Permittee Traffic Control Supervisor or designate shall monitor **traffic** queues, and maintain **traffic** flow to prevent delay to emergency **vehicles**. The Permittee must maintain adequate **lane** widths to accommodate the traveling public and to allow for the installation of information signs, channelizing devices and work zone warning devices. The Permittee shall provide safe routing for all public **traffic** such as **pedestrians**, wheel chairs, **bicycles** and **vehicles**. The Permittee's **traffic** control plan shall provide for, at all times, adequate separation between the traveling public and work area hazards, active or inactive, such as construction equipment, excavations and construction material, by means of delineation, barricades or fencing etc. or other acceptable means where overhead hazards are present.";

- (c) adding the following wording at the end of the existing wording in section 18:

"Suitable alternate parking will be provided. Security will be provided for any **vehicles** which have been displaced from a secure parking space over night.";

- (d) deleting section 20 and replacing it with the following:

"20. Care of Material: All material associated with a **road usage permit** shall be placed, maintained and stabilized in such a manner as not to become hazardous to human health, human safety, or the environment, and so that as little inconvenience as possible is caused to those using the **highway** and any adjoining property.";

- (e) deleting the second paragraph of section 21 and replacing it with the following:

"Prior to the issuance of a **road usage permit**, at the request of the **City Engineer**, the applicant for the **permit** shall provide the **City Engineer** with a **traffic** control plan detailing the measures that shall be taken to ensure the least disruption of **traffic**.";

- (e) deleting section 22 and replacing it with the following:

“22. **Traffic Control & Traffic Control Devices:** The use and placement of any **traffic control devices** shall be in accordance with all the specific terms of the **road usage permit** issued and with all applicable regulatory requirements.”;
  - (f) deleting the title “Breaking Through Pavement” from section 23 and replacing it with the following:

“Breaking Through Surface”;
  - (g) deleting sub-section (b) of section 23 and replacing it with the following:

“Cuts of pavement or **sidewalk** shall be neatly along limits of proposed excavation in order that surface may break evenly and cleanly.”;
  - (h) deleting sub-section (c) of section 23 and replacing it with the following:

“Sections of **sidewalks** and curbs being removed shall be removed to nearest existing score line or saw cut edge.”;
  - (i) deleting sub-section (f) of section 23 in it's entirety;
  - (j) deleting section 24 and replacing it with the following:

“24. **Trench Safety:** All trench and tunnel excavations and construction shall conform to all applicable regulatory requirements.”;
  - (k) adding a new sub-section (f) to section 26 as follows:

“(f) Limitations as to the storage of construction material.”; and
  - (k) adding a new section 33 as follows:

“33. **Care of Construction Materials:** All construction staging or storage area covered by a **road usage permit** shall be placed, maintained and protected in such a manner as not to become hazardous to human health, human safety or the environment, and that as little inconvenience as possible is caused to those using the **highway** and any adjoining property.”.
7. AND THAT **SCHEDULE “C” – OVERWEIGHT OR OVERSIZE VEHICLE PERMITS** of “Traffic Bylaw No. 8120” be amended by
- (a) deleting the existing wording in section 2 and replacing it with the following:

“An **overweight or oversized vehicle permit** is valid only for the trip(s) or movement and specific load, which shall be indicated on the **permit** application.”; and
  - (b) deleting the last sentence in sub-section (c) of section 4 and replacing it with the following:

“Such wide loads shall be moved only at times stated on the **permit**.”;

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8. This bylaw may be cited for all purposes as "Bylaw No. 9695, being Amendment No. 8 to City of Kelowna Traffic Bylaw No. 8120."
9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 5<sup>th</sup> day of February, 2007.

Adopted by the Municipal Council of the City of Kelowna this day of , 2007.

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Mayor

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City Clerk