

PART 5 – HIGHWAY USE REGULATIONS

5.1 Highway Use Prohibitions

BL10666 and BL11214 amended Section 5.1.1

5.1.1 Track vehicles. No person shall operate track **vehicles** on **sidewalks, boulevards, roadways** or **lanes** except for the purpose of snow removal or grading or while equipped with pads or tracks approved by the **Manager of Public Works** to prevent damage to the road surface.

BL10666 deleted section 5.1.2 School Zone Speed Limit.

5.1.3 Removing Ticket. No person shall remove any notice or ticket affixed or placed on a **vehicle** for a violation of this Bylaw unless he is the **owner** or operator of such **vehicle**.

5.1.4 Leaflets. No person shall be on any **highway** for the purpose of distributing leaflets by placing the same on the windshield, or any other part, of a **motor vehicle** parked upon the **highway** or on any **traffic control signal** pole, traffic cabinet or any other **traffic control device**.

5.1.5 Debris Removal. No person shall leave any glass or other debris from a wrecked or damaged **vehicle** on a **highway** when the **vehicle** is removed from the scene of an accident.

5.1.6 Obstructions on Highway. No person shall leave any excavation or other obstructions upon a **highway** without sufficiently fencing, barricading and marking the same with warning lights.

BL9695, BL10666 and BL11214 amended Section 5.1.7

5.1.7 Materials on Highway. No person shall place or permit to be placed any petroleum products, lumber, merchandise, **chattels** or **commodities** of any nature on a **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 **Manager of Public Works**, the **City** may remove and dispose of the accumulated soil at the expense of the **owner** of the property being subdivided or developed.

BL11214 amended Section 5.1.8

5.1.8 Damage to Highway Surface. No person shall drive, drag, or skid anything along or over a highway, permit any fluids leaking from a vehicle so that the same damages the surface of the highway, or cause damage to the highway by a burning vehicle.

BL9695, BL10666 BL11214 amended Section 5.1.9

5.1.9 Materials from or to Private Property. No person being the **owner** or **occupier** of property abutting a **highway** shall allow or permit any trees, stumps, earth, rocks, logs or other things from private property to cave, fall, crumble, slide or accumulate on a **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 **Manager of Public Works**, the **City** may remove and dispose of the accumulated soil at the expense of the **owner** of the property being subdivided or developed.

BL11214 amended Section 5.1.10

- 5.1.10 Garbage Collection Containers. No person being the **owner** or **occupier** of property abutting a **highway**, shall allow any garbage containers or other facilities related to garbage collection or recycling to be upon any portion of the **highway** except of the day of collection in accordance with Solid Waste Management Regulation Bylaw No. 10106.
- 5.1.11 Highway Water Damage. No person shall construct or maintain a ditch, drain or drainage system which causes water damage to any **highway**.
- 5.1.12 Weight Restrictions. Unless otherwise posted with **traffic control devices** indicating a truck route, no person shall operate a **truck** or a **commercial vehicle** with a **gross vehicle weight** in excess of 13,700 kg. on a **roadway** except:
- (a) while such **truck** or **commercial vehicle** is making a collection or delivery of goods or materials, provided that the operator proceeds by the most direct route from the point of collection or delivery, to or from the nearest truck route;
 - (b) while such **truck** or **commercial vehicle** is proceeding to or from the business premises of the **truck** or **commercial vehicle**, provided that the operator proceeds to or from the business premises by the most direct route to or from the nearest truck route;
 - (c) while such **truck** or **commercial vehicle** is proceeding to or from a garage for the purpose of repairs or servicing provided that the operator proceeds to or from the garage by the most direct route to or from the nearest truck route;
 - (d) municipal or utility **vehicles** while engaged in work upon such **roadways** provided that the operator proceeds to or from the work site by the most direct route;
 - (e) while such **truck** or **commercial vehicle** is being operated in the service of the **City** while engaged in work upon such **roadways** provided that the operator proceeds to or from the work site by the most direct route;

This subsection does not apply to transit buses or school buses while engaged in the pick-up or drop-off of passengers.

- 5.1.13 Removal of illegal signs. The **Engineer** may order the alteration, repainting, tearing down, or removal of any sign, advertisement, or guide-post erected or maintained on or over any **highway** and in the exercise of this authority no compensation shall be paid to any person for loss or damage resulting from the alteration, repainting, tearing down, or removal of any sign, advertisement or guide-post placed upon or over any **highway**.

BL9562 and BL10655 amended Section 5.1.14

5.1.14 Temporary "NO PARKING". The **Engineer**, the Fire Chief, the **Chief of Police**, or any **Peace Officer** may place or cause to be placed temporary "No Parking" signs or other applicable **traffic control devices** on a **highway**:

- (a) Along the route of any parade.
- (b) In the vicinity of a large gathering or during special circumstances.
- (c) To facilitate the fighting of fires or other emergency.
- (d) To facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a **highway** being carried out by the **City** or any other utility.
- (e) In the interest of public safety.

5.1.15 M.V.A. Regulations. **Traffic control devices** erected pursuant to this Part shall, where applicable, comply with the sign regulations as set out in the *Motor Vehicle Act*.

BL10655 added Section 5.1.16

5.1.16 "Temporary traffic control restrictions" The **Engineer**, the Fire Chief, the **Chief of Police**, or any **Peace Officer** may also require that all or some types of traffic be temporarily restricted or prohibited on a highway, in relation to the matters specified in this section.

5.2 Horse-Drawn Sightseeing Vehicle Permit

- 5.2.1 **Permit required.** No person shall operate a **horse-drawn sightseeing vehicle** on a **highway** without first obtaining a valid **horse-drawn sightseeing vehicle permit** from the **City**.
- 5.2.2 **Issue Permits.** The **Engineer** is hereby authorized to issue **horse-drawn sightseeing vehicle permits** where the conditions of this Bylaw have been met.

BL10666 and BL11214 amended Section 5.2.3

- 5.2.3 **Permit Application.** An application for a **horse-drawn sightseeing vehicle permit** shall be made to the **City Engineer** and shall include the following:
- (a) a Certificate of Insurance as per the form attached and shown as Schedule "L-1" and completed by the insurance agent of the holder of the **horse-drawn sightseeing vehicle permit**,
 - (b) any other information required by the **City's Manager of Public Works** to confirm that the requirements of this Bylaw will be met,
 - (c) **permit fees** as detailed on Schedule "A"
- 5.2.4 **Permit Requirements** The operator of a **horse-drawn sightseeing vehicle** must:
- (a) remove from a **highway** any excrement dropped by a horse used to pull the vehicle;
 - (b) only stop, **stand** or **park** the vehicle within the area designated as a **horse-drawn sightseeing vehicle stand**;
 - (c) no operate the said vehicle later than two hours after sunset or two hours before sunrise;
 - (d) supply the horse pulling the said vehicle with sufficient shelter, food and water while at the **horse-drawn sightseeing vehicle stand**.
- 5.2.5 **Insurance** The applicant shall, without limiting its obligations or liabilities under this permit, procure and maintain, at its own expense and cost, the insurance policies listed in Schedule "L" but not including the automobile liability requirement under Section 2 of the Schedule. The insurance policies shall be maintained continuously from the date of commencement of the services to be provided under this permit until the date of expiration of the permit
- 5.2.6 **Hold Harmless/Indemnification** The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees,

The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

5.3 Safety Equipment

- 5.3.1 Safety Equipment. The **Engineer** may, by public notice or by placing of signs, prohibit **vehicles** which are not equipped with chains, or winter tires, or sanding devices, or any combination of these which the **Engineer** may consider adequate and necessary in view of prevailing road conditions, from being driven or operated on a **highway**.

5.4 Road Usage

BL10666 amended Section 5.4.1

5.4.1 Prohibitions. Except as authorized by a **sidewalk/roadway occupancy permit** issued pursuant to Part 7 of this Bylaw, or a **road usage permit** issued pursuant to this Part, no person shall:

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| Excavate | (a) | dig up, plant, break or remove any part of a highway , or cut down or remove trees or timber growing on a highway , or excavate in or under a highway ; |
| Damage
Boulevard | (b) | cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences , signs or other things erected by the City on a highway ; |
| Stop Water | (c) | change the level of a highway in any way whatsoever, or stop the flow of water through any drain, sewer or culvert on, through or under a highway ; |
| Structures | (d) | place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway ; |
| Effluent | (e) | construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling nuisance or injury to any portion of a highway ; |
| Deface
Highway | (f) | mark or imprint or deface in any manner whatsoever a highway or structure situated on a highway ; |
| Signs | (g) | erect or maintain any sign, advertisement or guide-post on or over any highway or alter, repaint, tear down or remove any sign, advertisement or guide-post erected or maintained on any highway ; |
| Boulevard
Crossing | (h) | ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg. over or across a boulevard including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing, except when in use to improve or maintain the boulevard or in any area of the City within the Agricultural Land Reserve or a Rural Zone as identified in the Zoning Bylaw ; |
| Construct
Boulevard
Crossing | (i) | construct a boulevard crossing, including a curb, ditch, pathway or sidewalk crossing. |

BL9562 and BL10666 amended and BL11985 replaced section 5.4.2

5.4.2 Road Usage and Hoarding Permit Fees:

Road Usage and Hording Permit Fees:			
Road Usage / Hoarding Permit Fees	Application Fee	Permit Fee	Deposits
Traffic & Public Impedance /Scaffolding	\$0.00	\$75.00 per week	\$0.00
Road works & Closures	\$75.00	\$25.00 per day	\$0.00
Seasonal - for Utility providers, Tree pruning, CCTV and others as approved by the Manager of Public Works	\$75.00	\$300 per calendar year	\$0.00
Hoarding	\$75.00	\$8.00 per Sqm per month	\$0.00
* Plus applicable taxes			

BL9695, BL10666 & BL11214 amended and BL11985 deleted Section 5.4.3:

5.4.3 [Delete]

5.4.4 Deposit Refund. Where a deposit has been made in accordance with this Part, upon satisfactory completion of the work, or in the case of excavation work, at the end of one year after the completion of the work, as outline in Schedule "B", the deposit, less any deductions made pursuant to this Part, shall be refunded to the Permittee.

BL10666 and BL11214, amended Section 5.4.5

5.4.5 Default - City to Repair. Failure by the Permittee to repair damage and/or fulfil such obligations as are set out in the **road usage permit** within the specified time on the permit, shall enable the **City** to carry out the repair or fulfil the obligations that have not been met under the terms and conditions of that permit and to deduct the cost thereof from the monies on deposit or to call on the Irrevocable letter of credit and to pay the costs therefrom and should there be an insufficiency of monies on deposit or through the letter of credit, then the Permittee shall pay the balance forthwith upon invoice of the **City** or should there be a surplus of funds over and above that required by the **City** to carry out the works or fulfil the obligation, such balance shall be paid to the Permittee less an administration charge of Seventy-Five Dollars (\$75.00).

BL9695 amended and BL10666 replaced Section 5.4.6:

5.4.6 Plans and Notice to Proceed. The applicant shall provide a Notice to Proceed, and accurate plans and specifications in triplicate, 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.

BL10666 replaced Section 5.4.7:

5.4.7 Safety Devices. Any person doing work on or in any **highway** shall provide and place appropriate barricades, lights and other safety devices as are required to protect the public. All traffic control equipment shall be installed in accordance with this Bylaw and any other applicable regulatory requirement and must meet all current standards as laid out in the "Traffic Control Manual for Work on Roadways.

5.4.8 Insurance. The applicant shall, without limiting its obligations or liabilities under this permit, procure and maintain, at its own expense and cost, the insurance policies listed in Schedule "L". The insurance policies shall be maintained continuously from the date of commencement of the work, services and/or occupancy to be provided under this permit until the date that the

City certifies in writing completion of the work, services and/or occupancy or such further period as may be specified in Schedule "L"

5.4.9 **Hold Harmless/Indemnification.** The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.

The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

BL9695 and BL11214 amended Section 5.4.10:

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. If the work is not completed within 72 hours of the specified time period as shown on the valid Road Usage Permit, the City may complete the work. The cost to complete the work plus a fee of \$500 per day will be charged to the Permittee. If these costs are not paid the permittee will not be able to obtain additional Road Usage Permits.

5.4.11 **As-built Plan.** The applicant shall provide the **Engineer**, following completion of the work, with a plan, drawn to scale, showing the location, size and description of the works installed or affected, and the date of installation. The plan shall be supplied prior to the return or refund of any deposit or security posted as a condition of the permission.

BL10666 amended the following:

5.5 Hoarding

5.5.1 **Hoarding Permit required.** No person shall erect or place **hoarding** on a **highway** without first obtaining a valid **hoarding permit** from the **City**.

BL9695 amended Section 5.5.2

5.5.2 **Issue Hoarding Permits.** The **City** Transportation Department is hereby authorized to issue **hoarding permits** where the conditions of this Bylaw have been met.

BL9695 and BL10666 amended Section 5.5.3

5.5.3 **Hoarding Permit Application.** An application for a **hoarding permit** shall be made to the **City's** Transportation Department and shall include the following:

- (a) a plan of the **hoarding** location and construction, including measures to maintain safe **pedestrian** access,
 - (b) a Certificate of Insurance as per the form attached and shown as Schedule "L-1" and completed by the insurance agent of the holder of the hoarding permit,
 - (d) any other information required by the **City's** Inspection Services Department to confirm that the requirements of this Bylaw will be met,
 - (e) **permit fees** as detailed on Schedule "A", and
 - (f) a security deposit sufficient to pay for the cost or repairing any damage likely to be done to the adjacent **highway** or public utilities, and sufficient enough to ensure that the obligations imposed by the **hoarding permit** are fulfilled within the time specified in such **permit**.
 - (g) Number of Parking meter bags required with the parking meter numbers and locations.
- 5.5.4 **Hold Harmless/Indemnification** The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees,

The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

BL9695 amended Section 5.5.5

5.5.5 **Hoarding Standards.** All **hoarding** shall be constructed to comply with all provincial and municipal codes, bylaws and regulations and maintain a minimum 1.5 metres clear width to maintain safe **pedestrian** and wheelchair access. All applicable construction schedules shall be submitted to the **City's** Inspection Services Department.

- 5.5.6 Additional Costs. Notwithstanding subsection 5.5.3 (e) of this Part, the **City** shall have the right to seek reimbursement from the holder of a **hoarding permit** for any costs incurred, in the repair of any damage to the adjacent **highway** or public utilities, or in ensuring that the obligations imposed by the **hoarding permit** are fulfilled within the time specified in such permit, beyond the amount of the security deposit.

BL9167 added Section 5.6 Reduced Speed Roads:

5.6 Reduced Speed Roads

BL9695, BL10666 and BL11214 amended Section 5.6.1

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 **Manager of Public Works**.

BL10666 and BL11214 amended Section 5.6.2

5.6.2 **Permit Conditions.** The **Manager of Public Works** may impose such conditions as are deemed necessary for the safety of persons or property on any Reduced Speed Road Permits, including but not limited to one or more of: requiring that qualified traffic control persons or particular **traffic control devices** be in place, or both; requiring a pilot vehicle escort; requiring that the **vehicle** operator provide satisfactory confirmation of the **vehicle's** roadworthiness to applicable local, provincial or federal standards."