

# AGENDA ADDENDUM

*REGULAR MEETING OF COUNCIL*

**Monday, March 30, 2015**

**7:00 p.m.**

**Council Chamber, Municipal Hall**

**355 West Queens Road,**

**North Vancouver, BC**

**Council Members:**

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER  
DISTRICT

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## REGULAR MEETING OF COUNCIL

7:00 p.m.  
Monday, March 30, 2015  
Council Chamber, Municipal Hall  
355 West Queens Road, North Vancouver

### AGENDA ADDENDUM

#### THE FOLLOWING LATE ITEMS ARE ADDED TO THE PUBLISHED AGENDA

#### 9. REPORTS FROM COUNCIL OR STAFF

- 9.4 Bylaw 8100: The District of North Vancouver Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8100, 2014 (Amendment 13)** p. 5-16  
File No. 11.5245.01/000.000

Please note: Joint report submitted for items 9.4, 9.5 and 9.6.

*Recommendation:*

THAT the District of North Vancouver Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8100, 2014 (Amendment 13) is given FIRST, SECOND and THIRD Readings.

- 9.5 Bylaw 8099: The District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8099, 2014 (Amendment 45)** p. 17-28  
File No. 11.5245.01/000.000

Please note: Joint report submitted for items 9.4, 9.5 and 9.6.

*Recommendation:*

THAT the District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8099, 2014 (Amendment 45) is given FIRST, SECOND and THIRD Readings.

- 9.6 Bylaw 8116: Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment p. 29-40 Bylaw 8116, 2015 (Amendment 25)**  
File No. 11.5245.01/000.000

Please note: Joint report submitted for items 9.4, 9.5 and 9.6.

*Recommendation:*

THAT Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8116, 2015 (Amendment 25) is given FIRST, SECOND and THIRD Readings.

**9.9 Bylaw 8056: Housekeeping Amendment – Marine Drive Highway Closure**

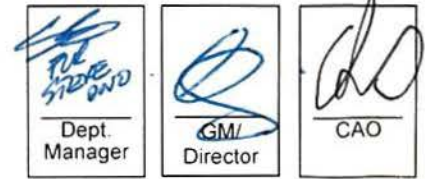
**p. 41-45**

File No. 09.3900.20/000.0000.

*Recommendation:*

THAT ADOPTION of “Marine Drive Highway Closure Bylaw 8056, 2014” is rescinded.

THAT “Marine Drive Highway Closure Bylaw 8056, 2014” is ADOPTED as amended.



## The District of North Vancouver REPORT TO COUNCIL

March 4, 2015  
File: 11.5245.01/000.000

**AUTHOR:** Carolyn Drugge, M.A., Construction Traffic Management Program Coordinator

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

### RECOMMENDATION:

1. That bylaw 8100, a bylaw to amend the District of North Vancouver Street and Traffic bylaw 7125, 2004 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.
2. That bylaw 8099, a bylaw to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.
3. THAT bylaw 8116, a bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.

### REASON FOR REPORT:

The recommended bylaw amendments are needed to align the provisions of the Street and Traffic Bylaw with the District's goals for managing the use of the public right of way effectively. These amendments include: clarifying responsibilities regarding boulevard maintenance, implementing an incrementally increasing permit fee designed to encourage compliance with Highway Use Permits, and setting the fee for occupying the road allowance due to adjacent development.

### SUMMARY:

This report recommends a number of bylaw amendments designed to strengthen the District's ability to manage the use of public right-of-ways by removing sections that contradict current practices, adding language that clarifies responsibilities, and establishing a new type of permit designed to encourage compliance with Highway Use Permits.

As the amount of development and infrastructure renewal increases across the District, the potential for traffic disruptions as the result of works associated with construction also increases. The District uses Highway Use Permits to regulate the use of the road allowance for a variety of activities related to construction. The recommended amendments to the bylaw will align it with current best practices that meet the District's objectives and provide the necessary tools to manage the use of the right of way effectively.

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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**BACKGROUND:**

Since the adoption of the Official Community Plan in 2011, there has been an increase in the number of multi-family and mixed-use developments in the District. In addition to increased development activity, there are several major infrastructure projects underway and coming to the District that are expected to have impacts on the travelling public. In July of 2014, Council initiated the Construction Traffic Management Program to minimize the effects of construction on traffic flow as the District undergoes this period of renewal. The recommendations presented in this report are focussed on supporting the District's ability to manage the use of the public right-of-way effectively.

Highway Use Permits are the primary method of limiting traffic disruptions due to construction activities and are established and governed by the Street and Traffic Bylaw. To date, the fine for non-compliance with highway use permits is \$500 (the maximum allowable) for major and minor arterial streets as well as collectors and \$250 for all other classes of streets. While these fines will continue to have a place in the enforcement of highway use permits, their value is generally considered to be too low to encourage well-financed projects to change behaviour and work in compliance with their highway use permit(s).

The fee for occupying the road allowance due to adjacent development was increased from \$0.50/m<sup>2</sup>/week to \$0.50/m<sup>2</sup>/day in 2015. Prior to the later months of 2014, this fee was rarely applied to developments due to lack of staff capacity. In early 2015, the significant fee increase proved unpopular to implement especially in the face of much lower fees in adjacent municipalities.

**EXISTING POLICY:**

With respect to Highway Use Permit violations, the current penalties for either not having or being in contravention of a Highway Use Permit are:

- \$500/offence if on a major or minor arterial street or a collector street
- \$250/offence if on any other classification of street.

The current fee for occupying the road allowance due to adjacent development is \$0.50/m<sup>2</sup>/day + \$113.

With respect to boulevard maintenance, section 630 of the Street and Traffic Bylaw currently requires the removal of rubbish from sidewalks adjacent to property, but does not contain provisions regarding maintaining the boulevard.

**ANALYSIS:**

Although the District's approach to enforcing bylaws will remain one of working with the party to resolve the issue, having bylaw language that supports enforcement is an important tool for the effective management of the right-of-way.

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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**Bylaw 8100 to amend the District of North Vancouver Street and Traffic bylaw 7125, 2004:**

Updating the language in section 630 provides District staff with the ability to address issues related to boulevard maintenance that have previously gone unattended. This language provides an avenue to handle issues related to untidy properties and landscaping that may be encroaching on the right-of-way.

The most significant addition to the bylaw comes with the recommendation for section 706A. This establishes a Special Highway Use Permit Fee for each incident where there has been unauthorized interference with the movement of traffic. The fees increase incrementally and will see permit holders being charged \$1500 for the 1<sup>st</sup> incident, \$3000 for the 2<sup>nd</sup> incident, and \$5000 for the third and subsequent incidents; with each incident lasting a maximum of 12 hours before the fee can be applied again. If approved, Bylaw 8099 will amend the Fees and Charges Bylaw to include this fee structure. This permit fee system allows staff to send an increasingly strong message to errant permit holders that compliance is a priority for the District before having to resort to a stop work order.

This permit fee system is based on that of the City of Vancouver which has been in place for several years, but is a flat fee of \$1500. If approved, this permit fee structure will be the most stringent in the region and staff expect that it will be effective in achieving compliance.

The permit fee will be deducted from the Traffic Management Deposit provided for in the Engineering Services Agreement and therefore the administrative burden on the District is expected to be minimal. The Special Highway Use Permit Fee can be applied by engineering staff and will be administered by Construction Traffic Management staff. If approved, staff will monitor the application of the Special Highway Use Permit Fee and recommend adjustments as necessary.

The remaining amendments ensure that the bylaw language supports current best practices for managing the use of the right-of-way in relation to activities including construction projects, be they development of private lands or improvements to public infrastructure.

- Deleting section 702 requiring flaggers can be considered a housekeeping item as anyone obstructing traffic requires a Highway Use Permit that would stipulate the use of flaggers as a condition of the permit.
- Deleting section 730, which allows the use of boulevard space for storage of construction and landscaping supplies, is recommended as this practice requires a Highway Use Permit.



**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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- The language amendment recommendations in 704.1, 704.2, and 705.2 are designed to clarify the District's ability to fully address the intent of the sections that were technically outside the bounds of the previous language. For example amending 704.1 allows staff to address issues arising from a broader range of activities taking place on a property than just construction and it allows for circumstances in which the portion of the roadway being used is not directly adjacent to the property undergoing the works.

**Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992:**

If approved bylaw 8099 would amend Schedule F of the Fees and Charges Bylaw to reflect the proposed fee for a Highway Use permit for occupying the road allowance and the proposed Special Highway Use Permit Fee.

**Road Allowance Occupancy:**

The proposed fee for a Highway Use Permit for occupying the road allowance is designed to encourage developments to optimize their footprint on the road allowance. Setting the fee too high encourages developments to apply for a space that is too small for their needs and results in them using more space than is permitted, often causing unnecessary traffic disruptions. Similarly a low fee encourages developers to occupy more space than is necessary which can also result in unnecessary disruptions to pedestrian, cycling, and vehicle traffic.

As part of the annual fees and charges review for 2015, the fee for occupying the road allowance due to adjacent development was increased from \$0.50/m<sup>2</sup>/week to \$0.50/m<sup>2</sup>/day. In early 2015, the significant fee increase proved difficult to implement especially in the face of much lower fees in adjacent municipalities.

Staff undertook a survey of comparable fees charged by other municipalities for occupying the road allowance due to adjacent development and have piloted the \$0.25/m<sup>2</sup>/day with success. This rate appears to achieve the objectives of providing enough space for construction related activities while at the same time minimizing the footprint of projects in the public realm. It is worth noting that although the main objective is to minimize the footprint on the public realm, this practice does generate revenue, off-setting some of the costs of resourcing the Construction Traffic Management Program.

**Special Highway Use Permit Fees:**

Implementing the proposed Special Highway Use Permit Fee structure below will allow District staff to reinforce the importance of effective construction traffic management with minimal administrative burden.

(i) First occurrence	\$1,500.00	per each 12 hours
(ii) Second occurrence	\$3,000.00	per each 12 hours
(iii) Third and any subsequent		



**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

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occurrences \$5,000.00 per each 12 hours

**Bylaw 8116 to amend the Bylaw Notice Enforcement Bylaw 7458, 2004:**

Amending the Street and Traffic Bylaw required corresponding changes to the Bylaw Notice Enforcement Bylaw. There are no changes to the corresponding fines.

**Concurrence:**

The proposed amendments were drafted in consultation with the legal team in Administrative Services and with Bylaw Services.

**Financial Impacts:**

Aside from some revenue generated by the fee for occupying the road allowance due to adjacent development, we do not expect significant financial impacts as a result of these bylaw amendments.

**Liability/Risk:**

By bringing the bylaws in line with the District's objectives, the amendments will reduce the risks associated with managing the use of the District's right-of-ways.

**Conclusion:**

Approval of these bylaw amendments will provide staff with better tools to manage the traffic impacts of construction activities.

**Options:**

Option 1: That the proposed bylaw amendments are approved by Council

Option 2: Continue to apply existing penalties and road allowance occupancy fee with limited success in achieving compliance.

Respectfully submitted,



Carolyn Drugge, M. A.  
Construction Traffic Management Program Coordinator

REVIEWED WITH:					
<input type="checkbox"/> Sustainable Community Dev.	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Services	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Utilities	_____	<input checked="" type="checkbox"/> Finance <i>MD</i>	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Parks & Environment	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> Recreation Com.	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Human resources	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____

# The Corporation of the District of North Vancouver

## Bylaw 8100

A bylaw to amend the District of North Vancouver Street and Traffic Bylaw 7125, 2004

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The Council for The Corporation of the District of North Vancouver enacts as follows:

### 1. Citation

This bylaw may be cited as “The District of North Vancouver Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8100, 2014 (Amendment 13)”.

### 2. Amendments

2.1 The Street and Traffic Bylaw 7125, 2004 is amended by:

(a) adding the following definitions to section 302 in alphabetical order:

- (i) **Building Permit** has the meaning prescribed in the *Building Regulation Bylaw, 2003 No. 7353*, as amended or replaced;
- (ii) **Noxious Weed** means any weed designated by a provincial legislation to be a noxious weed, and includes seeds of a noxious weed;
- (iii) **Special Highway Use Permit Fee** is the fee payable pursuant to section 706A of this bylaw;
- (iv) **Traffic Management Plan** means a detailed plan acceptable to the Municipal Engineer addressing all activities, needs and impacts associated with work contemplated in a Highway Use Permit, including, but not limited to, scheduling, timing of truck traffic, fencing, barricading, signage and other devices, traffic control, loading, parking, material delivery and storage, dust and sediment control, and any other conditions and restrictions required by the Municipal Engineer.

(b) deleting section 630 and inserting the following:

#### **Boulevard Maintenance**

630. Every owner of property must keep the Boulevard adjacent to such property, including any Sidewalk, in a tidy condition, including by removing Rubbish, debris, materials, or Noxious Weeds, keeping grass or weeds on the Boulevard trimmed to a height of not more than 30cm, and keeping landscaping trimmed so that it does not interfere with pedestrian safety or District signage or encroach into or over Sidewalks, Cycle Paths, or Roadways;

630A. A property Owner must remove or mitigate any landscaping or conditions on the Boulevard adjacent to such person's property which, in the opinion of the Municipal Engineer, pose a hazard to public safety or obstruct or interfere with public use of the Boulevard or which are a violation of this or any other District bylaw.

630B. Whenever a person is in default of doing any matter or thing required to be done under this bylaw, the District, through its employees or agents, may do what is required to be done, at the expense of the person in default. The District may recover all costs of completing such work, with interest at the rate applicable thereto, in the same manner as it may recover municipal taxes.

(c) deleting section 701 and inserting "Intentionally deleted.";

(d) deleting sections 702 and 703 in their entirety and substituting the following:

702. No person shall:

(a) undertake or permit to be undertaken any work in, on, over or under a Highway, or leave any obstruction or works in, on, over or under a Highway;

(b) use or permit to be used a Highway in a manner, or otherwise engage in any conduct which the Municipal Engineer in his or her discretion determines does or may impede or interfere with pedestrian, bicycle or vehicular traffic on a Highway or parking on Highway;

without a valid and subsisting Highway Use Permit issued by the District pursuant to this Bylaw.

703. The holder of a Highway Use Permit must comply with each and every term and condition contained therein and with the terms, conditions and restrictions in any Traffic Management Plan(s) attached thereto or incorporated therein.

(e) deleting section 704 and substituting the following:

704. The Municipal Engineer is authorized to issue Highway Use Permits to permit temporary use and occupation of a Highway, including:

(f) amending section 704.1 by

(i) deleting the word "construction" and substituting the word "works";

(ii) deleting the word “immediately”;

(g) deleting section 704.2 and substituting:

704.2 the closure or obstruction of all or a portion of a Highway, including but not limited to occupation of a portion of a Highway by vehicles, equipment, or other items, including Waste Disposal Bins, to facilitate works on property adjacent to the Highway;

(h) inserting the following as the conclusion to section 704 immediately after section 704.4 and indented to be aligned with the text of section 704:

For greater certainty, this section 704 does not authorize the Municipal Engineer to issue a Highway Use Permit in relation to works described in section 725, unless the District has issued a Highway Encroachment Agreement for such works.

(i) amending section 705.2 by deleting “traffic control plan” and substituting “Traffic Management Plan satisfactory to the Municipal Engineer”;

(j) re-numbering section 705.3 as section 705.4 and re-numbering the subsections accordingly;

(k) inserting the following as a new section 705.3:

705.3 provision of a site safety plan satisfactory to the Municipal Engineer;

(l) adding the following as subsection 705.4.3:

705.4.3 to pay any fees payable under sections 706A and 706B of this bylaw.

(m) re-numbering section 705.4 as section 705.5;

(n) deleting section 706 and substituting:

706. The Municipal Engineer is authorized to revoke or amend a Highway Use Permit at any time where considered necessary or desirable by the Municipal Engineer.

(o) adding the following as sections 706A, 706B and 706C and inserting them immediately after section 706:

706A. For use or occupation of a portion of a Highway which has been designated as a no stopping zone or which is, in the opinion of the Municipal Engineer, necessary for the movement of vehicle or pedestrian traffic, the applicant for a Highway Use Permit must pay the Special Highway Use Permit Fee for each 12 hours or part

thereof of occupancy, except that where the Municipal Engineer is satisfied that a portion of such Highway has, for any 12-hour period, a sufficiently low volume of traffic to warrant relaxation of the stopping prohibition, the Municipal Engineer may permit temporary occupancy of a portion of such Highway during that 12-hour period and in accordance with the terms and conditions of a Highway Use Permit and the fee set out in this clause shall not apply.

706B. The Highway Use Permit fee and Special Highway Use Permit fee are prescribed in Schedule "F" of the Fees and Charges Bylaw 6481. The Special Highway Use Permit fees are in addition to any fees payable for a Highway Use Permit pursuant to any other section of this bylaw.

706C. Any fees payable in respect of a Highway Use Permit may be deducted from the security deposit collected pursuant to section 705.4 or from any other deposit that the holder of the Highway Use Permit may have provided to the District to secure payment of said fees.

(p) deleting section 730 and inserting "Intentionally deleted."

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

**The Corporation of the District of North Vancouver**

**Bylaw 8099**

A bylaw to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992

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The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as "The District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8099, 2014 (Amendment 45)".

**2. Amendments**

2.1 Schedule F to the Fees and Charges Bylaw 6481, 1992 is amended by:

- (a) amending the fee for "Activities on Road Allowance due to adjacent Development" to \$113.00 + \$0.25/m<sup>2</sup>/week; and
- (b) inserting the following in the table under the section headed "Permit" immediately after "Storage of Waste Disposal Bins on Road Allowance":

Special Highway Use Permit fee:

(i) First occurrence	\$1,500.00	per each 12 hours
(ii) Second occurrence	\$3,000.00	per each 12 hours
(iii) Third and any subsequent occurrences	\$5,000.00	per each 12 hours

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk



**The Corporation of the District of North Vancouver**

**Bylaw 8116**

A bylaw to amend the Bylaw Notice Enforcement Bylaw (Bylaw 7458)

The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8116, 2015 (Amendment 25)".

**2. Amendments**

2.1 The Street and Traffic Bylaw 7125, 2004 section of Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:

- a) deleting the designated expression in section 630 and substituting "Fail to maintain Boulevard";
- b) deleting sections 701, 702, 703(a) and 703(b); and
- c) inserting the following as section 702 in numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
<b>Street &amp; Traffic Bylaw 7125, 2004</b>						
		\$	\$	\$		
702(a)	Work or Obstruction on Highway without Highway Use Permit on: (i) major arterial, minor arterial or collector Highway (as classified on the Highway Classification Map in the District of North Vancouver Development Servicing Bylaw 7388 (2005), as amended or replaced); (ii) other Highway	500	400	650	NO	N/A
		250	200	325		

702(b)	Interfere with Traffic on Highway without Highway Use Permit on: (i) major arterial, minor arterial or collector Highway (as defined for s. 702(a) above);	500	400	650	<b>NO</b>	<b>N/A</b>
	(iii) other Highway	250	200	325		

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk



## The District of North Vancouver REPORT TO COUNCIL

March 4, 2015

File: 11.5245.01/000.000

**AUTHOR:** Carolyn Drugge, M.A., Construction Traffic Management Program Coordinator

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

### RECOMMENDATION:

1. That bylaw 8100, a bylaw to amend the District of North Vancouver Street and Traffic bylaw 7125, 2004 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.
2. That bylaw 8099, a bylaw to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.
3. THAT bylaw 8116, a bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.

### REASON FOR REPORT:

The recommended bylaw amendments are needed to align the provisions of the Street and Traffic Bylaw with the District's goals for managing the use of the public right of way effectively. These amendments include: clarifying responsibilities regarding boulevard maintenance, implementing an incrementally increasing permit fee designed to encourage compliance with Highway Use Permits, and setting the fee for occupying the road allowance due to adjacent development.

### SUMMARY:

This report recommends a number of bylaw amendments designed to strengthen the District's ability to manage the use of public right-of-ways by removing sections that contradict current practices, adding language that clarifies responsibilities, and establishing a new type of permit designed to encourage compliance with Highway Use Permits.

As the amount of development and infrastructure renewal increases across the District, the potential for traffic disruptions as the result of works associated with construction also increases. The District uses Highway Use Permits to regulate the use of the road allowance for a variety of activities related to construction. The recommended amendments to the bylaw will align it with current best practices that meet the District's objectives and provide the necessary tools to manage the use of the right of way effectively.

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

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**BACKGROUND:**

Since the adoption of the Official Community Plan in 2011, there has been an increase in the number of multi-family and mixed-use developments in the District. In addition to increased development activity, there are several major infrastructure projects underway and coming to the District that are expected to have impacts on the travelling public. In July of 2014, Council initiated the Construction Traffic Management Program to minimize the effects of construction on traffic flow as the District undergoes this period of renewal. The recommendations presented in this report are focussed on supporting the District's ability to manage the use of the public right-of-way effectively.

Highway Use Permits are the primary method of limiting traffic disruptions due to construction activities and are established and governed by the Street and Traffic Bylaw. To date, the fine for non-compliance with highway use permits is \$500 (the maximum allowable) for major and minor arterial streets as well as collectors and \$250 for all other classes of streets. While these fines will continue to have a place in the enforcement of highway use permits, their value is generally considered to be too low to encourage well-financed projects to change behaviour and work in compliance with their highway use permit(s).

The fee for occupying the road allowance due to adjacent development was increased from \$0.50/m<sup>2</sup>/week to \$0.50/m<sup>2</sup>/day in 2015. Prior to the later months of 2014, this fee was rarely applied to developments due to lack of staff capacity. In early 2015, the significant fee increase proved unpopular to implement especially in the face of much lower fees in adjacent municipalities.

**EXISTING POLICY:**

With respect to Highway Use Permit violations, the current penalties for either not having or being in contravention of a Highway Use Permit are:

- \$500/offence if on a major or minor arterial street or a collector street
- \$250/offence if on any other classification of street.

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With respect to boulevard maintenance, section 630 of the Street and Traffic Bylaw currently requires the removal of rubbish from sidewalks adjacent to property, but does not contain provisions regarding maintaining the boulevard.

**ANALYSIS:**

Although the District's approach to enforcing bylaws will remain one of working with the party to resolve the issue, having bylaw language that supports enforcement is an important tool for the effective management of the right-of-way.



**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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**Bylaw 8100 to amend the District of North Vancouver Street and Traffic bylaw 7125, 2004:**

Updating the language in section 630 provides District staff with the ability to address issues related to boulevard maintenance that have previously gone unattended. This language provides an avenue to handle issues related to untidy properties and landscaping that may be encroaching on the right-of-way.

The most significant addition to the bylaw comes with the recommendation for section 706A. This establishes a Special Highway Use Permit Fee for each incident where there has been unauthorized interference with the movement of traffic. The fees increase incrementally and will see permit holders being charged \$1500 for the 1<sup>st</sup> incident, \$3000 for the 2<sup>nd</sup> incident, and \$5000 for the third and subsequent incidents; with each incident lasting a maximum of 12 hours before the fee can be applied again. If approved, Bylaw 8099 will amend the Fees and Charges Bylaw to include this fee structure. This permit fee system allows staff to send an increasingly strong message to errant permit holders that compliance is a priority for the District before having to resort to a stop work order.

This permit fee system is based on that of the City of Vancouver which has been in place for several years, but is a flat fee of \$1500. If approved, this permit fee structure will be the most stringent in the region and staff expect that it will be effective in achieving compliance.

The permit fee will be deducted from the Traffic Management Deposit provided for in the Engineering Services Agreement and therefore the administrative burden on the District is expected to be minimal. The Special Highway Use Permit Fee can be applied by engineering staff and will be administered by Construction Traffic Management staff. If approved, staff will monitor the application of the Special Highway Use Permit Fee and recommend adjustments as necessary.

The remaining amendments ensure that the bylaw language supports current best practices for managing the use of the right-of-way in relation to activities including construction projects, be they development of private lands or improvements to public infrastructure.

- Deleting section 702 requiring flaggers can be considered a housekeeping item as anyone obstructing traffic requires a Highway Use Permit that would stipulate the use of flaggers as a condition of the permit.
- Deleting section 730, which allows the use of boulevard space for storage of construction and landscaping supplies, is recommended as this practice requires a Highway Use Permit.

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

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- The language amendment recommendations in 704.1, 704.2, and 705.2 are designed to clarify the District's ability to fully address the intent of the sections that were technically outside the bounds of the previous language. For example amending 704.1 allows staff to address issues arising from a broader range of activities taking place on a property than just construction and it allows for circumstances in which the portion of the roadway being used is not directly adjacent to the property undergoing the works.

**Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992:**

If approved bylaw 8099 would amend Schedule F of the Fees and Charges Bylaw to reflect the proposed fee for a Highway Use permit for occupying the road allowance and the proposed Special Highway Use Permit Fee.

**Road Allowance Occupancy:**

The proposed fee for a Highway Use Permit for occupying the road allowance is designed to encourage developments to optimize their footprint on the road allowance. Setting the fee too high encourages developments to apply for a space that is too small for their needs and results in them using more space than is permitted, often causing unnecessary traffic disruptions. Similarly a low fee encourages developers to occupy more space than is necessary which can also result in unnecessary disruptions to pedestrian, cycling, and vehicle traffic.

As part of the annual fees and charges review for 2015, the fee for occupying the road allowance due to adjacent development was increased from \$0.50/m<sup>2</sup>/week to \$0.50/m<sup>2</sup>/day. In early 2015, the significant fee increase proved difficult to implement especially in the face of much lower fees in adjacent municipalities.

Staff undertook a survey of comparable fees charged by other municipalities for occupying the road allowance due to adjacent development and have piloted the \$0.25/m<sup>2</sup>/day with success. This rate appears to achieve the objectives of providing enough space for construction related activities while at the same time minimizing the footprint of projects in the public realm. It is worth noting that although the main objective is to minimize the footprint on the public realm, this practice does generate revenue, off-setting some of the costs of resourcing the Construction Traffic Management Program.

**Special Highway Use Permit Fees:**

Implementing the proposed Special Highway Use Permit Fee structure below will allow District staff to reinforce the importance of effective construction traffic management with minimal administrative burden.

(i) First occurrence	\$1,500.00	per each 12 hours
(ii) Second occurrence	\$3,000.00	per each 12 hours
(iii) Third and any subsequent		



**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

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occurrences \$5,000.00 per each 12 hours

**Bylaw 8116 to amend the Bylaw Notice Enforcement Bylaw 7458, 2004:**

Amending the Street and Traffic Bylaw required corresponding changes to the Bylaw Notice Enforcement Bylaw. There are no changes to the corresponding fines.

**Concurrence:**

The proposed amendments were drafted in consultation with the legal team in Administrative Services and with Bylaw Services.

**Financial Impacts:**

Aside from some revenue generated by the fee for occupying the road allowance due to adjacent development, we do not expect significant financial impacts as a result of these bylaw amendments.

**Liability/Risk:**

By bringing the bylaws in line with the District's objectives, the amendments will reduce the risks associated with managing the use of the District's right-of-ways.

**Conclusion:**

Approval of these bylaw amendments will provide staff with better tools to manage the traffic impacts of construction activities.

**Options:**

Option 1: That the proposed bylaw amendments are approved by Council

Option 2: Continue to apply existing penalties and road allowance occupancy fee with limited success in achieving compliance.

Respectfully submitted,



Carolyn Drugge, M. A.  
Construction Traffic Management Program Coordinator

REVIEWED WITH:					
<input type="checkbox"/> Sustainable Community Dev.	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Services	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Utilities	_____	<input checked="" type="checkbox"/> Finance <i>MD</i>	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Parks & Environment	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> Recreation Com.	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Human resources	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____

# The Corporation of the District of North Vancouver

## Bylaw 8100

A bylaw to amend the District of North Vancouver Street and Traffic Bylaw 7125, 2004

---

The Council for The Corporation of the District of North Vancouver enacts as follows:

### 1. Citation

This bylaw may be cited as “The District of North Vancouver Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8100, 2014 (Amendment 13)”.

### 2. Amendments

2.1 The Street and Traffic Bylaw 7125, 2004 is amended by:

(a) adding the following definitions to section 302 in alphabetical order:

- (i) **Building Permit** has the meaning prescribed in the *Building Regulation Bylaw, 2003 No. 7353*, as amended or replaced;
- (ii) **Noxious Weed** means any weed designated by a provincial legislation to be a noxious weed, and includes seeds of a noxious weed;
- (iii) **Special Highway Use Permit Fee** is the fee payable pursuant to section 706A of this bylaw;
- (iv) **Traffic Management Plan** means a detailed plan acceptable to the Municipal Engineer addressing all activities, needs and impacts associated with work contemplated in a Highway Use Permit, including, but not limited to, scheduling, timing of truck traffic, fencing, barricading, signage and other devices, traffic control, loading, parking, material delivery and storage, dust and sediment control, and any other conditions and restrictions required by the Municipal Engineer.

(b) deleting section 630 and inserting the following:

#### **Boulevard Maintenance**

630. Every owner of property must keep the Boulevard adjacent to such property, including any Sidewalk, in a tidy condition, including by removing Rubbish, debris, materials, or Noxious Weeds, keeping grass or weeds on the Boulevard trimmed to a height of not more than 30cm, and keeping landscaping trimmed so that it does not interfere with pedestrian safety or District signage or encroach into or over Sidewalks, Cycle Paths, or Roadways;

630A. A property Owner must remove or mitigate any landscaping or conditions on the Boulevard adjacent to such person's property which, in the opinion of the Municipal Engineer, pose a hazard to public safety or obstruct or interfere with public use of the Boulevard or which are a violation of this or any other District bylaw.

630B. Whenever a person is in default of doing any matter or thing required to be done under this bylaw, the District, through its employees or agents, may do what is required to be done, at the expense of the person in default. The District may recover all costs of completing such work, with interest at the rate applicable thereto, in the same manner as it may recover municipal taxes.

(c) deleting section 701 and inserting "Intentionally deleted.";

(d) deleting sections 702 and 703 in their entirety and substituting the following:

702. No person shall:

(a) undertake or permit to be undertaken any work in, on, over or under a Highway, or leave any obstruction or works in, on, over or under a Highway;

(b) use or permit to be used a Highway in a manner, or otherwise engage in any conduct which the Municipal Engineer in his or her discretion determines does or may impede or interfere with pedestrian, bicycle or vehicular traffic on a Highway or parking on Highway;

without a valid and subsisting Highway Use Permit issued by the District pursuant to this Bylaw.

703. The holder of a Highway Use Permit must comply with each and every term and condition contained therein and with the terms, conditions and restrictions in any Traffic Management Plan(s) attached thereto or incorporated therein.

(e) deleting section 704 and substituting the following:

704. The Municipal Engineer is authorized to issue Highway Use Permits to permit temporary use and occupation of a Highway, including:

(f) amending section 704.1 by

(i) deleting the word "construction" and substituting the word "works";

(ii) deleting the word “immediately”;

(g) deleting section 704.2 and substituting:

704.2 the closure or obstruction of all or a portion of a Highway, including but not limited to occupation of a portion of a Highway by vehicles, equipment, or other items, including Waste Disposal Bins, to facilitate works on property adjacent to the Highway;

(h) inserting the following as the conclusion to section 704 immediately after section 704.4 and indented to be aligned with the text of section 704:

For greater certainty, this section 704 does not authorize the Municipal Engineer to issue a Highway Use Permit in relation to works described in section 725, unless the District has issued a Highway Encroachment Agreement for such works.

(i) amending section 705.2 by deleting “traffic control plan” and substituting “Traffic Management Plan satisfactory to the Municipal Engineer”;

(j) re-numbering section 705.3 as section 705.4 and re-numbering the subsections accordingly;

(k) inserting the following as a new section 705.3:

705.3 provision of a site safety plan satisfactory to the Municipal Engineer;

(l) adding the following as subsection 705.4.3:

705.4.3 to pay any fees payable under sections 706A and 706B of this bylaw.

(m) re-numbering section 705.4 as section 705.5;

(n) deleting section 706 and substituting:

706. The Municipal Engineer is authorized to revoke or amend a Highway Use Permit at any time where considered necessary or desirable by the Municipal Engineer.

(o) adding the following as sections 706A, 706B and 706C and inserting them immediately after section 706:

706A. For use or occupation of a portion of a Highway which has been designated as a no stopping zone or which is, in the opinion of the Municipal Engineer, necessary for the movement of vehicle or pedestrian traffic, the applicant for a Highway Use Permit must pay the Special Highway Use Permit Fee for each 12 hours or part

thereof of occupancy, except that where the Municipal Engineer is satisfied that a portion of such Highway has, for any 12-hour period, a sufficiently low volume of traffic to warrant relaxation of the stopping prohibition, the Municipal Engineer may permit temporary occupancy of a portion of such Highway during that 12-hour period and in accordance with the terms and conditions of a Highway Use Permit and the fee set out in this clause shall not apply.

706B. The Highway Use Permit fee and Special Highway Use Permit fee are prescribed in Schedule "F" of the Fees and Charges Bylaw 6481. The Special Highway Use Permit fees are in addition to any fees payable for a Highway Use Permit pursuant to any other section of this bylaw.

706C. Any fees payable in respect of a Highway Use Permit may be deducted from the security deposit collected pursuant to section 705.4 or from any other deposit that the holder of the Highway Use Permit may have provided to the District to secure payment of said fees.

(p) deleting section 730 and inserting "Intentionally deleted."

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

---

Mayor

---

Municipal Clerk

Certified a true copy

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Municipal Clerk

**The Corporation of the District of North Vancouver**

**Bylaw 8099**

A bylaw to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992

---

The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as "The District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8099, 2014 (Amendment 45)".

**2. Amendments**

2.1 Schedule F to the Fees and Charges Bylaw 6481, 1992 is amended by:

- (a) amending the fee for "Activities on Road Allowance due to adjacent Development" to \$113.00 + \$0.25/m<sup>2</sup>/week; and
- (b) inserting the following in the table under the section headed "Permit" immediately after "Storage of Waste Disposal Bins on Road Allowance":

Special Highway Use Permit fee:

(i) First occurrence	\$1,500.00	per each 12 hours
(ii) Second occurrence	\$3,000.00	per each 12 hours
(iii) Third and any subsequent occurrences	\$5,000.00	per each 12 hours

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

---

Mayor

---

Municipal Clerk

Certified a true copy

---

Municipal Clerk



# The Corporation of the District of North Vancouver

## Bylaw 8116

A bylaw to amend the Bylaw Notice Enforcement Bylaw (Bylaw 7458)

The Council for The Corporation of the District of North Vancouver enacts as follows:

### 1. Citation

This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8116, 2015 (Amendment 25)".

### 2. Amendments

2.1 The Street and Traffic Bylaw 7125, 2004 section of Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:

- a) deleting the designated expression in section 630 and substituting "Fail to maintain Boulevard";
- b) deleting sections 701, 702, 703(a) and 703(b); and
- c) inserting the following as section 702 in numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
<b>Street &amp; Traffic Bylaw 7125, 2004</b>						
		\$	\$	\$		
702(a)	Work or Obstruction on Highway without Highway Use Permit on: (i) major arterial, minor arterial or collector Highway (as classified on the Highway Classification Map in the District of North Vancouver Development Servicing Bylaw 7388 (2005), as amended or replaced); (ii) other Highway	500  250	400  200	650  325	NO	N/A

702(b)	Interfere with Traffic on Highway without Highway Use Permit on: (i) major arterial, minor arterial or collector Highway (as defined for s. 702(a) above);	500	400	650	<b>NO</b>	<b>N/A</b>
	(iii) other Highway	250	200	325		

**READ** a first time

**READ** a second time

**READ** a third time

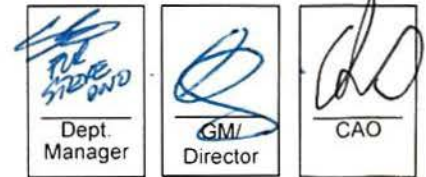
**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk



## The District of North Vancouver REPORT TO COUNCIL

March 4, 2015  
File: 11.5245.01/000.000

**AUTHOR:** Carolyn Drugge, M.A., Construction Traffic Management Program Coordinator

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

### RECOMMENDATION:

1. That bylaw 8100, a bylaw to amend the District of North Vancouver Street and Traffic bylaw 7125, 2004 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.
2. That bylaw 8099, a bylaw to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.
3. THAT bylaw 8116, a bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004 be given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings.

### REASON FOR REPORT:

The recommended bylaw amendments are needed to align the provisions of the Street and Traffic Bylaw with the District's goals for managing the use of the public right of way effectively. These amendments include: clarifying responsibilities regarding boulevard maintenance, implementing an incrementally increasing permit fee designed to encourage compliance with Highway Use Permits, and setting the fee for occupying the road allowance due to adjacent development.

### SUMMARY:

This report recommends a number of bylaw amendments designed to strengthen the District's ability to manage the use of public right-of-ways by removing sections that contradict current practices, adding language that clarifies responsibilities, and establishing a new type of permit designed to encourage compliance with Highway Use Permits.

As the amount of development and infrastructure renewal increases across the District, the potential for traffic disruptions as the result of works associated with construction also increases. The District uses Highway Use Permits to regulate the use of the road allowance for a variety of activities related to construction. The recommended amendments to the bylaw will align it with current best practices that meet the District's objectives and provide the necessary tools to manage the use of the right of way effectively.

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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**BACKGROUND:**

Since the adoption of the Official Community Plan in 2011, there has been an increase in the number of multi-family and mixed-use developments in the District. In addition to increased development activity, there are several major infrastructure projects underway and coming to the District that are expected to have impacts on the travelling public. In July of 2014, Council initiated the Construction Traffic Management Program to minimize the effects of construction on traffic flow as the District undergoes this period of renewal. The recommendations presented in this report are focussed on supporting the District's ability to manage the use of the public right-of-way effectively.

Highway Use Permits are the primary method of limiting traffic disruptions due to construction activities and are established and governed by the Street and Traffic Bylaw. To date, the fine for non-compliance with highway use permits is \$500 (the maximum allowable) for major and minor arterial streets as well as collectors and \$250 for all other classes of streets. While these fines will continue to have a place in the enforcement of highway use permits, their value is generally considered to be too low to encourage well-financed projects to change behaviour and work in compliance with their highway use permit(s).

The fee for occupying the road allowance due to adjacent development was increased from \$0.50/m<sup>2</sup>/week to \$0.50/m<sup>2</sup>/day in 2015. Prior to the later months of 2014, this fee was rarely applied to developments due to lack of staff capacity. In early 2015, the significant fee increase proved unpopular to implement especially in the face of much lower fees in adjacent municipalities.

**EXISTING POLICY:**

With respect to Highway Use Permit violations, the current penalties for either not having or being in contravention of a Highway Use Permit are:

- \$500/offence if on a major or minor arterial street or a collector street
- \$250/offence if on any other classification of street.

The current fee for occupying the road allowance due to adjacent development is \$0.50/m<sup>2</sup>/day + \$113.

With respect to boulevard maintenance, section 630 of the Street and Traffic Bylaw currently requires the removal of rubbish from sidewalks adjacent to property, but does not contain provisions regarding maintaining the boulevard.

**ANALYSIS:**

Although the District's approach to enforcing bylaws will remain one of working with the party to resolve the issue, having bylaw language that supports enforcement is an important tool for the effective management of the right-of-way.



**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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**Bylaw 8100 to amend the District of North Vancouver Street and Traffic bylaw 7125, 2004:**

Updating the language in section 630 provides District staff with the ability to address issues related to boulevard maintenance that have previously gone unattended. This language provides an avenue to handle issues related to untidy properties and landscaping that may be encroaching on the right-of-way.

The most significant addition to the bylaw comes with the recommendation for section 706A. This establishes a Special Highway Use Permit Fee for each incident where there has been unauthorized interference with the movement of traffic. The fees increase incrementally and will see permit holders being charged \$1500 for the 1<sup>st</sup> incident, \$3000 for the 2<sup>nd</sup> incident, and \$5000 for the third and subsequent incidents; with each incident lasting a maximum of 12 hours before the fee can be applied again. If approved, Bylaw 8099 will amend the Fees and Charges Bylaw to include this fee structure. This permit fee system allows staff to send an increasingly strong message to errant permit holders that compliance is a priority for the District before having to resort to a stop work order.

This permit fee system is based on that of the City of Vancouver which has been in place for several years, but is a flat fee of \$1500. If approved, this permit fee structure will be the most stringent in the region and staff expect that it will be effective in achieving compliance.

The permit fee will be deducted from the Traffic Management Deposit provided for in the Engineering Services Agreement and therefore the administrative burden on the District is expected to be minimal. The Special Highway Use Permit Fee can be applied by engineering staff and will be administered by Construction Traffic Management staff. If approved, staff will monitor the application of the Special Highway Use Permit Fee and recommend adjustments as necessary.

The remaining amendments ensure that the bylaw language supports current best practices for managing the use of the right-of-way in relation to activities including construction projects, be they development of private lands or improvements to public infrastructure.

- Deleting section 702 requiring flaggers can be considered a housekeeping item as anyone obstructing traffic requires a Highway Use Permit that would stipulate the use of flaggers as a condition of the permit.
- Deleting section 730, which allows the use of boulevard space for storage of construction and landscaping supplies, is recommended as this practice requires a Highway Use Permit.

**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

Page 4

- The language amendment recommendations in 704.1, 704.2, and 705.2 are designed to clarify the District's ability to fully address the intent of the sections that were technically outside the bounds of the previous language. For example amending 704.1 allows staff to address issues arising from a broader range of activities taking place on a property than just construction and it allows for circumstances in which the portion of the roadway being used is not directly adjacent to the property undergoing the works.

**Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992:**

If approved bylaw 8099 would amend Schedule F of the Fees and Charges Bylaw to reflect the proposed fee for a Highway Use permit for occupying the road allowance and the proposed Special Highway Use Permit Fee.

**Road Allowance Occupancy:**

The proposed fee for a Highway Use Permit for occupying the road allowance is designed to encourage developments to optimize their footprint on the road allowance. Setting the fee too high encourages developments to apply for a space that is too small for their needs and results in them using more space than is permitted, often causing unnecessary traffic disruptions. Similarly a low fee encourages developers to occupy more space than is necessary which can also result in unnecessary disruptions to pedestrian, cycling, and vehicle traffic.

As part of the annual fees and charges review for 2015, the fee for occupying the road allowance due to adjacent development was increased from \$0.50/m<sup>2</sup>/week to \$0.50/m<sup>2</sup>/day. In early 2015, the significant fee increase proved difficult to implement especially in the face of much lower fees in adjacent municipalities.

Staff undertook a survey of comparable fees charged by other municipalities for occupying the road allowance due to adjacent development and have piloted the \$0.25/m<sup>2</sup>/day with success. This rate appears to achieve the objectives of providing enough space for construction related activities while at the same time minimizing the footprint of projects in the public realm. It is worth noting that although the main objective is to minimize the footprint on the public realm, this practice does generate revenue, off-setting some of the costs of resourcing the Construction Traffic Management Program.

**Special Highway Use Permit Fees:**

Implementing the proposed Special Highway Use Permit Fee structure below will allow District staff to reinforce the importance of effective construction traffic management with minimal administrative burden.

(i) First occurrence	\$1,500.00	per each 12 hours
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**SUBJECT:** Bylaw 8100 to amend the District of North Vancouver Street and Traffic Bylaw 7125, and Bylaw 8099 to amend the District of North Vancouver Fees and Charges Bylaw 6481.

March 4, 2015

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**Bylaw 8116 to amend the Bylaw Notice Enforcement Bylaw 7458, 2004:**

Amending the Street and Traffic Bylaw required corresponding changes to the Bylaw Notice Enforcement Bylaw. There are no changes to the corresponding fines.

**Concurrence:**

The proposed amendments were drafted in consultation with the legal team in Administrative Services and with Bylaw Services.

**Financial Impacts:**

Aside from some revenue generated by the fee for occupying the road allowance due to adjacent development, we do not expect significant financial impacts as a result of these bylaw amendments.

**Liability/Risk:**

By bringing the bylaws in line with the District's objectives, the amendments will reduce the risks associated with managing the use of the District's right-of-ways.

**Conclusion:**

Approval of these bylaw amendments will provide staff with better tools to manage the traffic impacts of construction activities.

**Options:**

Option 1: That the proposed bylaw amendments are approved by Council

Option 2: Continue to apply existing penalties and road allowance occupancy fee with limited success in achieving compliance.

Respectfully submitted,



Carolyn Drugge, M. A.  
Construction Traffic Management Program Coordinator

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
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<input type="checkbox"/> Parks & Environment _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> Recreation Com. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Human resources _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____

# The Corporation of the District of North Vancouver

## Bylaw 8100

A bylaw to amend the District of North Vancouver Street and Traffic Bylaw 7125, 2004

---

The Council for The Corporation of the District of North Vancouver enacts as follows:

### 1. Citation

This bylaw may be cited as “The District of North Vancouver Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8100, 2014 (Amendment 13)”.

### 2. Amendments

2.1 The Street and Traffic Bylaw 7125, 2004 is amended by:

(a) adding the following definitions to section 302 in alphabetical order:

- (i) **Building Permit** has the meaning prescribed in the *Building Regulation Bylaw, 2003 No. 7353*, as amended or replaced;
- (ii) **Noxious Weed** means any weed designated by a provincial legislation to be a noxious weed, and includes seeds of a noxious weed;
- (iii) **Special Highway Use Permit Fee** is the fee payable pursuant to section 706A of this bylaw;
- (iv) **Traffic Management Plan** means a detailed plan acceptable to the Municipal Engineer addressing all activities, needs and impacts associated with work contemplated in a Highway Use Permit, including, but not limited to, scheduling, timing of truck traffic, fencing, barricading, signage and other devices, traffic control, loading, parking, material delivery and storage, dust and sediment control, and any other conditions and restrictions required by the Municipal Engineer.

(b) deleting section 630 and inserting the following:

#### **Boulevard Maintenance**

630. Every owner of property must keep the Boulevard adjacent to such property, including any Sidewalk, in a tidy condition, including by removing Rubbish, debris, materials, or Noxious Weeds, keeping grass or weeds on the Boulevard trimmed to a height of not more than 30cm, and keeping landscaping trimmed so that it does not interfere with pedestrian safety or District signage or encroach into or over Sidewalks, Cycle Paths, or Roadways;

630A. A property Owner must remove or mitigate any landscaping or conditions on the Boulevard adjacent to such person's property which, in the opinion of the Municipal Engineer, pose a hazard to public safety or obstruct or interfere with public use of the Boulevard or which are a violation of this or any other District bylaw.

630B. Whenever a person is in default of doing any matter or thing required to be done under this bylaw, the District, through its employees or agents, may do what is required to be done, at the expense of the person in default. The District may recover all costs of completing such work, with interest at the rate applicable thereto, in the same manner as it may recover municipal taxes.

(c) deleting section 701 and inserting "Intentionally deleted.";

(d) deleting sections 702 and 703 in their entirety and substituting the following:

702. No person shall:

(a) undertake or permit to be undertaken any work in, on, over or under a Highway, or leave any obstruction or works in, on, over or under a Highway;

(b) use or permit to be used a Highway in a manner, or otherwise engage in any conduct which the Municipal Engineer in his or her discretion determines does or may impede or interfere with pedestrian, bicycle or vehicular traffic on a Highway or parking on Highway;

without a valid and subsisting Highway Use Permit issued by the District pursuant to this Bylaw.

703. The holder of a Highway Use Permit must comply with each and every term and condition contained therein and with the terms, conditions and restrictions in any Traffic Management Plan(s) attached thereto or incorporated therein.

(e) deleting section 704 and substituting the following:

704. The Municipal Engineer is authorized to issue Highway Use Permits to permit temporary use and occupation of a Highway, including:

(f) amending section 704.1 by

(i) deleting the word "construction" and substituting the word "works";

(ii) deleting the word “immediately”;

(g) deleting section 704.2 and substituting:

704.2 the closure or obstruction of all or a portion of a Highway, including but not limited to occupation of a portion of a Highway by vehicles, equipment, or other items, including Waste Disposal Bins, to facilitate works on property adjacent to the Highway;

(h) inserting the following as the conclusion to section 704 immediately after section 704.4 and indented to be aligned with the text of section 704:

For greater certainty, this section 704 does not authorize the Municipal Engineer to issue a Highway Use Permit in relation to works described in section 725, unless the District has issued a Highway Encroachment Agreement for such works.

(i) amending section 705.2 by deleting “traffic control plan” and substituting “Traffic Management Plan satisfactory to the Municipal Engineer”;

(j) re-numbering section 705.3 as section 705.4 and re-numbering the subsections accordingly;

(k) inserting the following as a new section 705.3:

705.3 provision of a site safety plan satisfactory to the Municipal Engineer;

(l) adding the following as subsection 705.4.3:

705.4.3 to pay any fees payable under sections 706A and 706B of this bylaw.

(m) re-numbering section 705.4 as section 705.5;

(n) deleting section 706 and substituting:

706. The Municipal Engineer is authorized to revoke or amend a Highway Use Permit at any time where considered necessary or desirable by the Municipal Engineer.

(o) adding the following as sections 706A, 706B and 706C and inserting them immediately after section 706:

706A. For use or occupation of a portion of a Highway which has been designated as a no stopping zone or which is, in the opinion of the Municipal Engineer, necessary for the movement of vehicle or pedestrian traffic, the applicant for a Highway Use Permit must pay the Special Highway Use Permit Fee for each 12 hours or part

thereof of occupancy, except that where the Municipal Engineer is satisfied that a portion of such Highway has, for any 12-hour period, a sufficiently low volume of traffic to warrant relaxation of the stopping prohibition, the Municipal Engineer may permit temporary occupancy of a portion of such Highway during that 12-hour period and in accordance with the terms and conditions of a Highway Use Permit and the fee set out in this clause shall not apply.

706B. The Highway Use Permit fee and Special Highway Use Permit fee are prescribed in Schedule "F" of the Fees and Charges Bylaw 6481. The Special Highway Use Permit fees are in addition to any fees payable for a Highway Use Permit pursuant to any other section of this bylaw.

706C. Any fees payable in respect of a Highway Use Permit may be deducted from the security deposit collected pursuant to section 705.4 or from any other deposit that the holder of the Highway Use Permit may have provided to the District to secure payment of said fees.

(p) deleting section 730 and inserting "Intentionally deleted."

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk



**The Corporation of the District of North Vancouver**

**Bylaw 8099**

A bylaw to amend the District of North Vancouver Fees and Charges Bylaw 6481, 1992

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The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as "The District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8099, 2014 (Amendment 45)".

**2. Amendments**

2.1 Schedule F to the Fees and Charges Bylaw 6481, 1992 is amended by:

- (a) amending the fee for "Activities on Road Allowance due to adjacent Development" to \$113.00 + \$0.25/m<sup>2</sup>/week; and
- (b) inserting the following in the table under the section headed "Permit" immediately after "Storage of Waste Disposal Bins on Road Allowance":

Special Highway Use Permit fee:

(i) First occurrence	\$1,500.00	per each 12 hours
(ii) Second occurrence	\$3,000.00	per each 12 hours
(iii) Third and any subsequent occurrences	\$5,000.00	per each 12 hours

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

**The Corporation of the District of North Vancouver**

**Bylaw 8116**

A bylaw to amend the Bylaw Notice Enforcement Bylaw (Bylaw 7458)

The Council for The Corporation of the District of North Vancouver enacts as follows:

**1. Citation**

This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8116, 2015 (Amendment 25)".

**2. Amendments**

2.1 The Street and Traffic Bylaw 7125, 2004 section of Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:

- a) deleting the designated expression in section 630 and substituting "Fail to maintain Boulevard";
- b) deleting sections 701, 702, 703(a) and 703(b); and
- c) inserting the following as section 702 in numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
<b>Street &amp; Traffic Bylaw 7125, 2004</b>						
		\$	\$	\$		
702(a)	Work or Obstruction on Highway without Highway Use Permit on: (i) major arterial, minor arterial or collector Highway (as classified on the Highway Classification Map in the District of North Vancouver Development Servicing Bylaw 7388 (2005), as amended or replaced); (ii) other Highway	500	400	650	NO	N/A
		250	200	325		

702(b)	Interfere with Traffic on Highway without Highway Use Permit on: (i) major arterial, minor arterial or collector Highway (as defined for s. 702(a) above);	500	400	650	<b>NO</b>	<b>N/A</b>
	(iii) other Highway	250	200	325		

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

\_\_\_\_\_  
Mayor




\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>March 30, 2015</u>
<input type="checkbox"/> Workshop (open to public)	Date: _____

9.9

 Dept. Manager	 GM/ Director	 CAO
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## The District of North Vancouver REPORT TO COUNCIL

March 25, 2015  
File: 09.3900.20/000.000

**AUTHOR:** James Gordon, Municipal Clerk

**SUBJECT:** Housekeeping Amendment: Bylaw 8056 - Marine Drive Highway Closure Bylaw

**RECOMMENDATION:**

THAT ADOPTION of "Marine Drive Highway Closure Bylaw 8056, 2014" is rescinded.

THAT "Marine Drive Highway Closure Bylaw 8056, 2014" is ADOPTED as amended.

**REASON FOR REPORT:**

To rescind adoption on bylaw 8056 and adopt the bylaw as amended to revise the description of the road to be closed for consistency with the technical requirements of the Land Title Office.

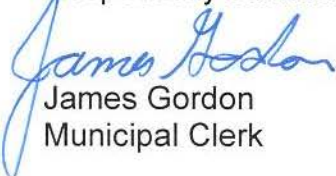
**BACKGROUND:**

Bylaw 8056 was adopted by Council on March 23, 2015. The proposed amendment does not alter the location, size or configuration of the area of the road to be closed. It merely changes the method of describing said area to better reflect Land Title Office technical requirements in order to avoid delays in registration.

**Conclusion:**

This is considered a housekeeping amendment to bylaw 8056. Council is entitled to rescind adoption of the bylaw and adopt it again as amended. This is the staff recommendation.

Respectfully submitted,

  
James Gordon  
Municipal Clerk

Attachment: Marine Drive Highway Closure Bylaw 8056, 2014

**SUBJECT: Housekeeping Amendment: Bylaw 8056 - Marine Drive Highway Closure  
Bylaw**

March 25, 2015

Page 2

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks & Environment _____	<input checked="" type="checkbox"/> ITS _____ 	<input type="checkbox"/> Recreation Com. _____
<input type="checkbox"/> Facilities _____	<input checked="" type="checkbox"/> Solicitor _____ 	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Human resources _____	<input type="checkbox"/> GIS _____	<input checked="" type="checkbox"/> Other: _____ 



# The Corporation of the District of North Vancouver

## Bylaw 8056

A bylaw to close and remove highway dedication

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WHEREAS under the *Community Charter* the Council may close a highway to traffic and remove the dedication of a highway;

WHEREAS the Council has posted and published notices of its intention to close the highway referred to in this Bylaw and remove its dedication as highway, and has provided an opportunity for persons who consider they are affected to make representations to the Council; and,

WHEREAS the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators;

NOW THEREFORE the Council for The Corporation of the District of North Vancouver enacts as follows:

### 1. Citation

This bylaw may be cited as "Marine Drive Highway Closure Bylaw 8056, 2014".

### 2. Bylaw to close and remove highway dedication

2.1 That land dedicated as highway by ~~Lands Exchange and Highway Establishment By Law, 1965 (Bylaw No. 3240) of The Corporation of the District of North Vancouver ("Bylaw 3240"), which land is legally described as 011-419-881, Lot 25, Except the West 13 Feet Block 50 District Lot 552 Plan 4680 and shown on the reference plan~~ **Plan EPP34494**, a reduced copy of which is attached hereto as Schedule A (the "Closed Road"), is closed to all types of traffic.

2.2 Section 4 of Bylaw 3240 is repealed and the dedication as highway of the Closed Road is removed.

2.3 The Mayor and Clerk are authorized to execute and deliver such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

**READ** a first time April 7<sup>th</sup>, 2014

**NOTICE** given under Section 94 of the Community Charter on April 16<sup>th</sup> and April 23<sup>rd</sup>, 2014

**OPPORTUNITY** for representations to Council provided in accordance with Section 40 of the Community Charter April 28<sup>th</sup>, 2014

**READ** a second time April 28<sup>th</sup>, 2014

**READ** a third time April 28<sup>th</sup>, 2014

**ADOPTED** March 23<sup>rd</sup>, 2015

**ADOPTION** rescinded

**ADOPTED** as amended

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

# Schedule A Road Closure Plan

REFERENCE PLAN OF LOT 25, EXCEPT THE WEST 13 FEET  
BLOCK 50 DISTRICT LOT 552 PLAN 4680

PLAN EPP34494

PURSUANT TO SECTION 107 (1) (a) LAND TITLE ACT  
BCGS MAP SHEET 92G.035

0 10 20M

BOOK OF REFERENCE			
LOT	DESCRIPTION	PLAN	AREA
Lot 25	Block 50, DL 552	4680	274.7 m <sup>2</sup>

"ALL INSTANCES ARE IN METRES"

The intended print size of this plan is 250mm in height  
by 420mm in width (B size) when plotted at a scale of 1:200

**NOTE:**

The plan shows lots in more obvious parts  
which are not set on the true corner(s)

Wholes exaggerated for clarity

**LEGEND**

- Standard Iron post found
- Iron plug found
- Iron plug placed
- ▲ Control Monument found
- MT Denotes Wholes
- (C) Denotes Cassinoids

INTEGRATED SURVEY AREA NO.16,  
DISTRICT OF NORTH VANCOUVER  
NAD83 (CGRS)

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETIC CONTROL MONUMENTS (201299 AND 7447613)  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES  
UNLESS OTHERWISE SPECIFIED TO COMPUTE GRID DISTANCES  
MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE  
CORRECTION FACTOR OF 0.9995265 WHICH HAS BEEN DERIVED  
FROM GEODETIC CONTROL MONUMENTS 7341299 AND 7447613

SOUTH PACIFIC LAND SURVEYING LTD  
B.C. LAND SURVEYORS  
SUITE 101 - 7485 150th STREET  
SURREY, B.C. V3W 1N6  
TELEPHONE: 604 593-1968  
FAX: 604 593-1968



THIS PLAN LIES WITHIN THE  
GREATER VANCOUVER REGIONAL DISTRICT

THIS PLAN LIES WITHIN THE JURISDICTION OF  
THE APPROVING OFFICER FOR THE DISTRICT OF NORTH VANCOUVER

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED  
ON THE 16th DAY OF SEPTEMBER, 2013  
DAVID J. DYCK BOLS (343)

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