



CITY OF
Lethbridge

CIVIC WORKS STANDING POLICY COMMITTEE REPORT

Date of Meeting April 7, 2022

Subject Streets Bylaw

Submitted By Acting Mayor Crowson, Chair – Civic Works Standing Policy Committee

Recommendation from Civic Works Standing Policy Committee:

BE IT RESOLVED THAT City Council:

1. Provide first reading to Bylaw 6285 at the April 26, 2022 Meeting of Council; and
2. Provide second and third reading to Bylaw 6285 at the May 10, 2022 Meeting of Council.

Vote:

In Favour: 4-0 (Unanimous)

Public Speakers at the Meeting: None

Public Submissions: None

Submitted By Ahmed Ali, Transportation Engineering Manager

Presented By Ahmed Ali, Transportation Engineering Manager

Purpose

To present a new Streets Bylaw 6285 to replace the current Bylaw 3446

Recommendation(s)

That the Civic Works Standing Policy Committee recommends that Council:

1. Provide first reading to Bylaw 6285 at the April 26, 2022 Meeting of Council; and
2. Provide second and third reading to Bylaw 6285 at the May 10, 2022 Meeting of Council.

Summary

- The Streets Bylaw is intended to regulate the non-traffic uses of streets such as selling, hoarding, temporary encroachments, excavation, as well as driveway crossings.

- Primary changes in the new bylaw include; editing for readability and understanding, and deleting sections related to public behavior on streets from the Streets Bylaw, and creating a new Public Places Bylaw.
- The new Streets Bylaw will formally allow mobile vending, sidewalk vending, minor patio, major patio, parklet patio, and temporary encroachments with updated guidelines based on best practices.

Strategic Alignment

Council Action Plan

- Economically prosperous
- Culturally vibrant
- Well designed

Municipal Development Plan

- Policy 30: PROMOTE Lethbridge as a vibrant cultural hub
- Policy 110: ENSURE downtown continues to develop as pedestrian friendly place
- Policy 113: PROMOTE a sustainable development pattern which makes efficient use of land, minimizes the need for motorized travel and facilitates social cohesion,
- Policy 133: ENSURE the maintenance, growth and improvement of the citywide integrated pedestrian and bicycle networks

Heart of Our City Master Plan

- GP1 Movement: Downtown should be pedestrian-oriented with buildings, uses, and streets that are human-scaled
- GP6 Quality Public Realm: Downtown should recognize that streets are key component of the urban open and green space experience
- 3.1 Streetscapes: Patios are highly encouraged, particularly on north-south streets.

Background and Prior Decisions

- The current Streets Bylaw 3446 that regulates street use as well as activities on, adjacent, or next to a street was last updated in 1994 and needs an update so as to comply with the current legislation and best practices.
- A working group was formed to review the Streets Bylaw including representation from Transportation, Infrastructure, Lethbridge Police Service (LPS), and Regulatory Services. In early discussions, it was evident that there were certain regulations that were not well suited for the Streets Bylaw.
- At the request of LPS, a decision was made to separate provisions regulating undesirable public behavior from the Streets Bylaw and to outline these community standards in a separate Public Places Bylaw.
- Use of sidewalks for sidewalk patios, vending, installation of election and other signs are not clearly addressed in Bylaw 3446. Administration has flexibly applied the provision of the City Engineer's discretion to issue a permit upon such conditions as deemed appropriate. The new bylaw is clear on these areas supporting businesses whilst protecting the rights and safety of pedestrians.

- Council approved private contractors to construct driveway crossings in greenfield areas and directed Administration to make changes to Bylaw 3446 (OBR – Residential Aprons, dated February 9, 2021).

Analysis and Options

The current Streets Bylaw consists of provisions which Lethbridge Police Services utilize to address undesirable behavior. A working group looking at the revamp of the Streets Bylaw agreed that this bylaw was not the best location for provisions related to managing public behavior. So, a separate Bylaw will be proposed for public behaviour, the Public Places Bylaw which will be presented to City Council separately. The Streets Bylaw will now focus on the non-traffic uses of streets such as selling, hoarding, temporary encroachments, excavation, and driveway crossings.

Implications

Community/Citizen

- Clarity of the bylaw for Businesses and General Public
- Separating the Detailed Permit Guidelines and Fees into Operating Procedures and Documents

Financial

None

Risk

None

Corporate

None

Engagement

- Public engagement was completed for the proposed streets bylaw and consisted of a public opinion survey. Stakeholder Groups with interest in Private Vehicle mobility, Safety, Indigenous matters, Transit and Active modes, and Built Environment were invited via email to participate in the online public opinion surveys.

Implementation and Communication Plan

The proposed recommendation will be completed when City Council passes the new Streets Bylaw

- Corporate Communications will be engaged to provide publication of the bylaw should it be approved.

Attachment(s)

1. Draft Streets Bylaw 6285
2. PowerPoint presentation

3. Document outlining the Changes
4. Public Engagement Documents
5. Comparison of Bylaw Fines
6. OBR - Residential Aprons dated February 9, 2021

Approvals

City Treasurer: Darrell Matthews

City Solicitor: Brian Loewen

Department Director: Lloyd Brierley

City Manager: Lloyd Brierley

BYLAW 6285

A BYLAW OF THE CITY OF LETHBRIDGE TO REGULATE
THE USE OF STREETS WITHIN THE CITY OF LETHBRIDGE

WHEREAS the title to all roads in a city is vested in the city unless provided any Act or agreement provides otherwise,

AND WHEREAS the *Traffic Safety Act* authorizes a municipality to regulate the use of highways within a municipality and the parking of vehicles, among other things;

AND WHEREAS the *Municipal Government Act* allows a municipality to pass Bylaws for the safety, health and welfare of people and the protection of people and property, and for transport and transportation systems;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Streets Bylaw".

PART 1

DEFINITIONS

2. In this Bylaw unless the context otherwise requires:
 - (a) **Act** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or replaced from time to time;
 - (b) **Alley** means a narrow Street intended chiefly to give access to the rear and/or sides of buildings and parcels of land;
 - (c) **Applicant** means the person applying for a Permit or other consent from the City;
 - (d) **Banner** means a strip of material bearing a slogan or design, hung on a Street pole and includes, but is not limited to:
 - (i) **Temporary Civic Banner** means a Banner that promotes an event, activity, or a community facility; and,
 - (ii) **New Community Decorative Banner** means a banner within a new community that is strictly decorative and non-directional;
 - (e) **Biohazardous Waste** means waste that requires proper handling and disposal because of environmental, aesthetic, and health and safety concerns;
 - (f) **Boulevard** means that part of a Street that:
 - (i) is not Roadway; and
 - (ii) is that part of the Sidewalk that is not specifically adapted to the use of or ordinarily used by Pedestrians;
 - (g) **Bylaw Enforcement Officer** means a Peace Officer appointed to enforce this Bylaw;
 - (h) **City** means the municipal corporation of the City of Lethbridge or the area contained within the city limits, as the context requires;

- (i) **City Manager** means the City Manager of the City or designate;
- (j) **Crosswalk** means:
 - (i) that part of a Roadway at an intersection included within the connection of the lateral lines of the Sidewalks on opposite sides of the Roadway measured from the Curbs or, in the absence of Curbs, from the edge of the Roadway; or,
 - (ii) any part of a Roadway that is distinctly indicated for Pedestrian crossing by signs and/or markings on the road surface;
- (k) **Construction** means the erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any work in connection with any of them;
- (l) **Curb** means the concrete edge of the Roadway, if there is such an edge, and if there is none, means the division of a Street between that part thereof intended for the use of Vehicles and that part thereof intended for the use of Pedestrians;
- (m) **Election Sign** means a temporary sign announcing or supporting political candidates or issues in connection with any vote or referendum pursuant to municipal, provincial or federal legislation;
- (n) **Encroachment** means the use of any portion of the Street, including the airspace above the Street and any area beneath the surface of the Street;
- (o) **Excavating** means the breaking, digging up, tearing up, tunneling, boring, coring, cutting into or removing anything from the Street to a depth greater than 30 centimetres below the established elevation;
- (p) **Hoarding** means a screen or fence enclosing construction, materials, or both within any part of the Street;
- (q) **Landscaping** means the use of trees, plants, decorative stonework, retaining walls, walkways, fences or other landscape or architectural elements, and includes Soft Landscaping, to enhance a space;
- (r) **Litter** means any solid or liquid material or product or combination of solid or liquid materials or product including, but not limited to:
 - (i) any garbage, paper, package, container, bottle, can, manure, human or animal excrement, or the whole or part of an animal carcass or offal, coal, wood, gravel, earth, sawdust, glass, or like material, plastic, nails, staples, tacks, scraps of metal, expended tobacco products; or,
 - (ii) the whole or part of any article, raw or processed material, vehicle or machinery of any type that is disposed of; or,
 - (iii) Biohazardous Waste or Sharps;
- (s) **New Community Wayfinding Signage** means signage that helps the public in navigating to and around new communities or that helps to promote new communities;

- (t) **Pathway** means a multi-purpose path within the Street, which is improved by asphalt, concrete, brick, shale, gravel or any other surface, and is intended for use by Pedestrians and persons using a bicycle;
- (u) **Patio** means a portion of the Sidewalk, Boulevard or parking spaces that may be used by an adjacent business for the purposes of seating, and that includes:
 - (i) **Major Patio** means the placement of a permanent enclosure, abutting a business, with seasonal placement of patio furniture for dining and/or recreational purposes;
 - (ii) **Minor Patio** means the temporary placement, during business hours, of outdoor patio furniture abutting the business;
 - (iii) **Parklet** means the placement of a temporary, seasonal enclosure in one or more parking spaces, adjacent to a business, with the placement of patio furniture for dining and/or recreational purposes;
- (v) **Peace Officer** means Peace Officer as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or replaced from time to time;
- (w) **Pedestrian** means
 - (i) a person on foot, or
 - (ii) a person in or on a mobility aid,and includes those persons designated by the TSA as Pedestrians;
- (x) **Permit** means written permission with signed approval from the City Manager;
- (y) **Permit Fee** means a fee collected or charged for the issuance of any Permit subject to this Bylaw;
- (z) **Person** means an individual, a partnership, a corporation, a trust, an unincorporated organization, government, or any department or agency thereof and their heirs, executors, administrators, or other legal representative of any individual;
- (aa) **Pre-Construction Condition** means the condition of the Street as it existed before any Construction, including any alteration, repair or demolition of the building or structure adjacent to the Street;
- (bb) **Public Place** means any property, whether publically or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- (cc) **Receptacle** means a container that is provided for the collection of Litter;
- (dd) **Roadway** means that portion of a Street intended for the use of Vehicles;
- (ee) **Sharps** means needles, syringes, blades or other clinical or laboratory materials capable of causing punctures or cuts;
- (ff) **Sidewalk** means that portion of a Street intended for the use of Pedestrians, and includes the part of the Street lying between
 - (i) the Curb line, or
 - (ii) where there is no Curb, the edge of the Roadway

and the adjacent property line, whether or not paved or improved;

- (gg) **Soft Landscaping** means gravel, mulch, shrubs, hedges, grass, flowers, maintained natural gardens, fruit and vegetable gardens or other vegetation, excluding trees, noxious weeds and local weeds designated under the *Weed Control Act*, S.A. 2008, c. W-5.1, as amended or replaced from time to time;
- (hh) **Street** means all lands within the road right-of-way (ROW), including every Roadway, Curb, gutter, Boulevard, Alley, Sidewalk, Pathway and bridge, but excluding Pathways within City parks;
- (ii) **Temporary Municipal Right of Way Sign** means privately owned and placed signs within the Street for the purpose of public advertisement, including:
 - (i) **Advertising Sign** – advertising for the goods and/or services produced/provided, offered for sale, or obtainable at the premise;
 - (ii) **Garage Sale Sign** – advertising the event of a garage sale (also known as a yard sale, tag sale, moving sale, etc.);
 - (iii) **Real Estate Sign** – advertising the sale, lease or rent of a building or premise;
- (jj) **TSA** means the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or replaced from time to time;
- (kk) **Utility Location Assignment (ULA)** means the location of proposed or installed utilities;
- (ll) **Vehicle** means a device in, upon or by which a person or thing may be transported or drawn on a Street and includes a combination of Vehicles, but does not include a mobility aid; and,
- (mm) **Vending** means to sell, as one's business or occupation, and includes:
 - (i) **Mobile Vending** – the sale of food, beverage or merchandise from a mobile Vehicle, including carts, taking place within the City owned right of way;
 - (ii) **Street Vending** – placing merchandise for sale and/or display within the City owned right of way, directly adjacent to a Person's business.

PART 2

TEMPORARY USE OF THE STREET

VENDING

- 3. (1) No Person shall engage in Mobile Vending or Street Vending unless they have received a Permit issued by the City Manager.
- (2) When issuing a Permit pursuant to this section, the City Manager may:
 - (a) issue the Permit subject to conditions; and,
 - (b) charge a fee.
- (3) Any Permit issued pursuant to this section is subject to termination
 - (a) upon 48-hours' notice in writing for any reason, or
 - (b) immediately upon breach of any condition by the Applicant.

PATIOS

4. (1) No Person shall establish a Patio unless they have received a Permit issued by the City Manager.
- (2) When issuing a Permit pursuant to this section, the City Manager may:
 - (a) issue the Permit subject to conditions; and,
 - (b) charge a fee.
- (3) Any Permit issued pursuant to this section is subject to termination
 - (a) upon 48-hours' notice in writing for any reason, or
 - (b) immediately upon the breach of any condition by the Applicant.
- (4) Patios will not be permitted in residential districts as defined by the City of Lethbridge Land Use Bylaw 6300.

SIGNS

5. No Person shall place a sign on a Street unless authorized to do so by the City Manager or otherwise permitted under this Bylaw.

TEMPORARY MUNICIPAL RIGHT OF WAY SIGNS AND BANNERS

6. (1) No Person shall install:
 - (a) a Temporary Municipal Right of Way Sign or Banner in a manner that may cause distraction to traffic;
 - (b) a Temporary Municipal Right of Way Sign unless the sign complies with the Temporary Municipal Right of Way Sign Guidelines or Election Sign Guidelines.
- (2) No Person shall install Temporary Civic Banners, New Community Decorative Banners, other decorative Banners, or any other Banner, unless a Permit has been issued.

ADVERTISING

7. No Person shall advertise in a manner that may cause a distraction to traffic.

TEMPORARY USE OF STREET FOR CONSTRUCTION OR STORAGE OF MATERIALS

8. (1) No Person, other than an employee of the City, shall use or occupy any portion of a Street for the placing thereon any building material, tools, machinery, hoarding or construction device of whatever nature unless they have received a Permit issued by the City Manager.
- (2) When issuing a Permit pursuant to this section, the City Manager may
 - (a) issue a Permit subject to conditions; and,
 - (b) charge a fee.
- (3) A Permit issued pursuant to this section is subject to termination
 - (a) upon 48-hours' notice in writing for any reason, or
 - (b) immediately upon the breach of any condition by the Applicant.

- (4) Where any building material, tools, machinery, hoarding or construction device of whatever nature interferes with the use of a paid parking space on a Street, the Applicant shall pay the applicable daily rate for each inactivated paid parking space.
- (5) The holder of a Permit issued pursuant to this section shall:
 - (a) provide protection from any hazards, including falling objects; and,
 - (b) be responsible for the restoration of the Street to the Pre-Construction Condition.

ENCROACHMENTS

9. (1) Any Person placing a temporary Encroachment in or upon any Street contrary to the provisions of this Bylaw shall remove or cause the removal of such temporary Encroachment within twenty-four hours after being notified to do so by the City Manager. After the expiration of the said twenty-four hours, the City Manager may remove or cause the removal of such Encroachment, and such removal shall be at the expense of the said Person causing or placing such obstruction on any Street.
- (2) If the Encroachment referenced in subsection (1) poses an immediate danger or hazard to the public, the City Manager may remove it immediately at the cost of the person causing the Encroachment.
- (3) Notwithstanding subsection (1), the City Manager may, subject to any City policy on Encroachments, grant permission for a structure or object, or projection from a building, to be placed or constructed on, over, or under, a Street, with such permission being terminable on 30 days' notice in writing.

PART 3

CONSTRUCTION

CROSSING PERMIT

10. (1) A Person shall not create a crossing across any Sidewalk, Boulevard, drain, watercourse, or gutter unless they have received a crossing Permit from the City Manager.
- (2) The City Manager may issue a crossing Permit to an Applicant pursuant to subsection (1), and the City shall construct the crossing or bridge at the Permit holder's expense.
- (3) Notwithstanding subsection (2) above, approved contractors will be allowed to construct driveway crossings in greenfield development in compliance with crossing Permit guidelines.
- (4) All crossing Permits shall be subject to the following terms and conditions:
 - (a) in a residential district the width of a crossing or bridge shall not exceed
 - (i) 4 metres for a single entrance or exit;
 - (ii) 8 metres for a double entrance or exit;
 - (b) no crossing shall be located on any Street within 8 metres of the prolongation of the lateral Curb lines or the exterior edges of the Roadway measured along the property line of the premises of which the crossing is furnished.
 - (c) The Applicant shall:

- (i) pay all costs of Construction, maintenance, repair, operation and replacement;
 - (ii) indemnify the City in respect of any and all damages and costs occasioned directly, indirectly, or incidentally by reason of the existence, maintenance, repair, operation or use of the crossing or bridge;
 - (iii) keep the crossing or bridge clear and free from snow, ice, slush or dirt;
 - (iv) to have the City construct the crossing or bridge at the Applicant's expense.
- (5) The City Manager shall have the right at any time to revoke the Crossing Permit and remove the crossing or bridge.

SIDEWALKS

11. No Person shall lay down or construct a Sidewalk leading from the Curb across a Boulevard to a Sidewalk that is parallel the to the Curb, unless the Sidewalk laid down or constructed is level with the Sidewalk parallel to Curb.
12. (1) No retaining wall shall be placed closer than 70 centimetres to any City Sidewalk.
- (2) Sidewalks leading from the Curb across a Boulevard to a Sidewalk shall not be greater than 1.5 metres in width.
- (3) No Sidewalk shall be constructed in a manner that damages existing Curb or Sidewalk, including damage from dowelling.

EXCAVATING

13. (1) No Person shall excavate in a Street or under any part of a Street without first obtaining a Permit from the City Manager, as outlined in the Excavation Guidelines.
- (2) A Person holding a Permit issued pursuant to subsection (1) must complete all Excavating work at their own risk, in compliance with the Permit.
- (3) A Person holding a Permit issued pursuant to this section, and all Persons employed by the Permit holder or under their control, shall:
- (a) use due care that no person or property is injured or damaged in the execution of the work;
 - (b) solely be responsible for all claims relating to the excavating work, in respect of any injury to any Person or property;
 - (c) indemnify and save harmless the City and the employees of the City from and against all claims and demands, losses, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributed to any such damages, injury or infringement, and without restricting the generality of the foregoing, the Permit holder shall be responsible for all damages caused as a result of the said excavating, during Construction and after;
 - (d) at their own expense, provide or cause to provide, temporary traffic controls as outlined in the City's Temporary Traffic Control (TTC) Manual;

- (e) upon completion of the Excavating work, restore any areas disturbed by their activities, including the areas surrounding the Excavation, to the Pre-Construction Condition or better; and,
 - (f) upon the completion of the Excavation work, to the satisfaction of the City Manager, provide the City with "as-built" drawings, showing the exact location of the work as outlined in the City's Utility Location Assignment (ULA) Guidelines and construction record drawings.
- (4) All Permits carry a warranty period, as outlined in the Excavation Guidelines.

TEMPORARY TRAFFIC CONTROLS

14. (1) The City Manager may authorize the placing or setting up of any temporary traffic control devices, including but not limited to barricades, pylons, cones, signs (static or digital), and safeguards, on, in, about, along or across any Street as outlined in the City's Temporary Traffic Control Manual.
- (2) No Person, unless authorized by the City Manager, shall remove, displace, tear down, damage or interfere in any way with any temporary traffic control device placed or set up.

PART 4

MISCELLANEOUS

PAINT MARKINGS

15. (1) No Person shall place any markings on any Street unless otherwise approved by the City Manager.
- (2) The City Manager may remove all unauthorized markings that have been placed on any Street, and the costs of removal shall be borne by the Person who placed the markings.

VEHICLES AND HORSES ON SIDEWALKS AND PATHWAYS

16. No Person shall lead or ride any horse, or drive any Vehicle, on or along any Sidewalk or Pathway, except where authorized by the City Manager.

MISCELLANEOUS ITEMS ON STREETS

17. A Person may place sand, gravel, salt, calcium chloride, or any other material approved by the City Manager, on icy portions of a Sidewalk to reduce the danger of slippery conditions.
18. A Person shall not
- (a) place, or cause to be placed, an obstruction of any kind, on a Street,
 - (b) place, or cause to be placed, a bicycle rack, on a Street,
 - (c) park, leave, or display, or cause to be parked, left or displayed, a Vehicle on any part of the Street in such a way that it is an obstruction or presents a safety concern,
- unless a Permit or other permission authorizing the placement of such obstruction has been issued by the City.
19. Bicycles may only be parked in bicycle racks approved in accordance with section 18.

BARBED WIRE

20. (1) No Person shall use barbed wire on any fence, construction, or erection abutting any Street within the City.
- (2) Section 20(1) shall not apply to lands lawfully used for the keeping of livestock that is not adjacent to any developed residential area or to security fencing where the barbed wire portion is not less than two metres above the ground level.

LITTERING

21. (1) No Person shall dispose of Litter on any Street, unless in an appropriate Receptacle or otherwise authorized by the City Manager.
- (2) No Person shall dispose of burning Litter on any Street.
- (3) If a Vehicle is involved in an offence referred to in subsection (1) or (2), the owner of that Vehicle is guilty of an offence.
- (4) Subsection (4) does not apply if the owner of the Vehicle satisfies the court that the owner was not in control of the Vehicle, and that the person having control over the Vehicle at the time of the offence had control of the Vehicle without the owner's express or implied consent.

INJURY TO TREES, SHRUBS

22. No Person shall disrupt the well-being or injure any tree, shrub, plant or flower located within the Street, unless approval by the City Manager has been granted.

LANDSCAPING LIMITATIONS

23. (1) No Person shall permit any Landscaping or any other structure on private property to:
 - (a) obstruct any Sidewalk adjacent to the property; or
 - (b) interfere with any public utility; or
 - (c) interfere with visibility for Pedestrian movement
 - (d) impair the visibility required for safe traffic flow at any intersection adjacent to the property.
 - (2) No Person shall Landscape a Boulevard unless limited to Soft Landscaping. The Soft Landscaping shall not:
 - (a) obstruct any Sidewalk adjacent to the property; or
 - (b) interfere with any public utility;
 - (c) interfere with visibility for Pedestrian movement
 - (3) When adjacent to a driveway, Soft Landscaping shall not be allowed to grow or remain at a height greater than 0.5 metres.
 - (4) Should any Landscaping create a safety hazard, the City may remove such hazard and all costs of removal shall be borne by the property owner.
24. (1) No Person shall allow any Landscaping on private property to cause damage to any Street, crossing or culvert, unless approved by the City Manager.

- (2) Failure to obtain the City Manager's approval in accordance with subsection (1) may result in the recovery of costs of repairs and damages from the Person responsible for causing such damage.

DAMAGE TO STREETS

25. No Person shall cause damage to any Street unless approved by the City Manager.

PART 5

PERMITS

OBTAINING PERMITS

26. (1) A Person shall obtain a Permit for any activity that is otherwise prohibited under this bylaw prior to commencing such activity.
- (2) A Person shall not make a false or misleading statement or provide any false or misleading information to obtain a Permit pursuant to this bylaw.
- (3) If any term or condition of a Permit issued pursuant to this bylaw is contravened or a false or misleading statement or false or misleading information was provided to obtain the Permit, the City Manager may immediately cancel the Permit.

PERMIT HOLDER REQUIREMENTS

27. Any Person issued a Permit pursuant to this bylaw must:
 - (a) have the Permit available for review and inspection when exercising the rights granted under the Permit;
 - (b) comply with all terms and conditions stated on the Permit; and,
 - (c) immediately produce the Permit when requested to do so by a Peace Officer

PART 6

ENFORCEMENT

VIOLATIONS

28. A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

29. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

VICARIOUS LIABILITY

30. (1) For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is presumed also to be an act or omission of the Person.
- (2) This section does not apply if the Person satisfies the court that, at the time the employee or agent was involved in the offence:

- (a) the employee was not acting in the course of the employee's employment with the Person; or,
- (b) the agent was not exercising the powers or performing the duties on behalf of the Person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

- 31. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 32. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 33. (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this bylaw, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine
- (2) Without restricting the generality of subsection (1) the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are
 - (a) set out in Schedule A; and,
 - (b) double these fine amounts for any subsequent offence, where a subsequent offence means an offence committed by a Person within one year after that Person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.

MUNICIPAL TAG

- 34. (1) A Bylaw Enforcement Officer is authorized to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be issued to a Person:
 - (a) personally; or
 - (b) by mailing a copy to the Person at their last known address.
- (3) A Municipal Tag must state:
 - (a) the name of the Person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence; and,
 - (d) that the penalty must be paid within 30 days of the issuance of the Municipal Tag.
- (4) Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified within the time period indicated on the Municipal Tag.

VIOLATION TICKET

35. (1) If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Bylaw Enforcement Officer is authorized to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* ("POPA").
- (2) Notwithstanding subsection (1), a Bylaw Enforcement Officer is hereby authorized to immediately issue a Violation Ticket pursuant to POPA to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or,
 - (b) require a Person to appear in Court without the alternative of making a voluntary payment.
- (4) A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and,
 - (b) if the Violation Ticket specifies the fine amount established in this Bylaw for the offence
- make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.
- (5) The levying and payment of any fine for any period provided in this Bylaw shall not relieve a person from the necessity of paying any Permit Fees, charges or costs from which the person is liable under the provisions of this Bylaw.

ORDER TO COMPLY

36. (1) If the City Manager believes, on reasonable grounds, that a Person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it, and such order may:
- (a) direct a Person to stop doing something, or to change the way in which the person is doing it;
 - (b) direct a Person to take any action or measures necessary to remedy the contravention of the bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
 - (c) state a time within which the Person must comply with the directions;
 - (d) state a time within which the Person must comply with the directions;
 - (e) state that if the Person does not comply with the directions within a specified time, the City may take the action or measure at the expense of the Person.
- (2) A Person named in an order pursuant to this section shall comply with any action or measure required to be taken within the time specified.

SERVICE OF ORDERS

37. (1) An order issued pursuant to s. 30 may be served on an individual:
- (a) by delivering it personally to the individual;
 - (b) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or,
 - (c) by mail addressed to the individual on the tax roll of the City or at the Land Titles registry.
- (2) An order issued pursuant to s. 30 may be served on a corporation:
- (a) by delivering it personally to any director or officer of the corporation;
 - (b) by delivering it personally to any person apparently in charge of an office of the corporation at an address held out by the corporation to be its address, or
 - (c) by mail addressed to the registered office of the corporation.

OBSTRUCTION

38. No Person shall obstruct, hinder or impede any authorized representative of the City in the exercise of any of their powers or duties pursuant to this Bylaw.

PART 7

GENERAL POWERS OF THE CITY MANAGER

39. Without restricting any other power, duty or function granted by this bylaw the City Manager may:
- (a) carry out any inspections to determine compliance with this bylaw;
 - (b) take any steps or carry out any actions required to enforce this bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
 - (d) establish areas where activities otherwise regulated, restricted or prohibited by this bylaw are permitted;
 - (e) establish forms for the purposes of this bylaw,
 - (f) delegate any powers, duties or functions under this bylaw to an employee of the City;
 - (g) issue permits in relation to this bylaw subject to terms and conditions the City Manager deems appropriate;
 - (h) establish the criteria to be met for a permit to be issued pursuant to this bylaw;
 - (i) establish guidelines for the issuance of any authorizations, permissions, Permits or licenses under this bylaw; and,
 - (j) charge a fee for issuing permits pursuant to the bylaw.

PART 8

VALIDITY, REPEAL AND COMING INTO FORCE

VALIDITY

40. It is the intention of City Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of City Council that if any provision of this Bylaw be declared invalid, all other provisions therefore shall remain valid and enforceable.

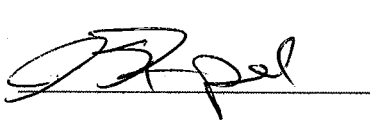
REPEAL

41. Bylaw 3446 is repealed.

COMING INTO FORCE

42. This Bylaw comes into force and effect on the date of final reading.

READ A FIRST TIME this 26 day of April, A.D. 2022

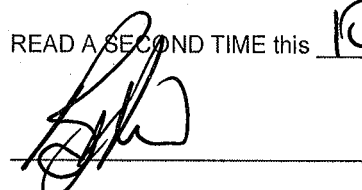


MAYOR

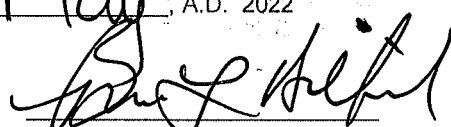


CITY CLERK

READ A SECOND TIME this 10 day of May, A.D. 2022

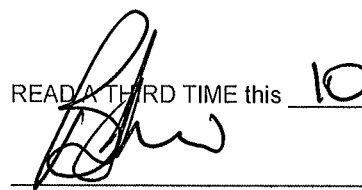


MAYOR

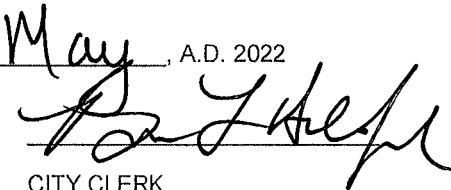


CITY CLERK

READ A THIRD TIME this 10 day of May, A.D. 2022



MAYOR



CITY CLERK

SCHEDULE "A"

SPECIFIED PENALTIES

| SECTION | OFFENCE | PENALTY |
|----------------------|--------------------------------------------------------------------------------------------------------------------|----------------|
| <u>Part 2</u> | | |
| 3(1) | Vending without a permit | \$100 |
| 4(1) | Establishment of a patio without a permit | \$250 |
| 5 | Unauthorized sign on Street | \$250 |
| 6(1)(a) | Installation of Temporary Municipal Right of Way Sign or Banner in a manner that causes a distraction to traffic | \$250 |
| 6(2) | Installation of Banner without a Permit | \$250 |
| 7 | Advertising in a manner causing a distraction | \$250 |
| 8(1) | Use of Street for storage of building material, tools, machinery, hoarding or construction device without a Permit | \$250 |
| 9(1) | Encroaching onto Street contrary to Bylaw | \$500 |
| <u>Part 3</u> | | |
| 10(1) | Construction of a crossing without a permit | \$250 |
| 11 | Construction of Sidewalk that is not level with existing Sidewalk | \$250 |
| 12(1) | Construction of retaining wall less than 70 cm from Sidewalks | \$250 |
| 13(1) | Excavating in or under a Street without a Permit | \$750 |
| 14(2) | Unauthorized removal, displacement, tear down, damage to, or interference with traffic control device | \$500 |
| <u>Part 4</u> | | |
| 15(1) | Unauthorized marking of Street | \$250 |
| 16 | Unauthorized use of Horse or Vehicle on Pathway or Sidewalk | \$250 |
| 18(a) | Obstruction on a Street | \$250 |
| 18(b) | Bicycle rack on a Street | \$250 |
| 18(c) | Park, leave or display a Vehicle on Street causing obstruction or safety concern | \$250 |
| 20(1) | Installation of Barbed wire | \$250 |

| | | |
|---------------|---------------------------------------------------------------------------|-------|
| 21(1) | Littering on a Street | \$250 |
| 21(2) | Disposing of burning Litter on a Street | \$250 |
| 21(3) | Litter from a Vehicle | \$250 |
| 22 | Destruction of vegetation within the Street | \$500 |
| 23(1)(a) | Landscaping causing an obstruction on Sidewalk | \$250 |
| 23(1)(b) | Landscaping interfering with public utility | \$250 |
| 23(1)(c) | Landscaping interfering with Pedestrian movement | \$250 |
| 23(1)(d) | Landscaping impairing visibility for safe traffic flow at an intersection | \$250 |
| 23(2) | Unauthorized Landscaping in a Boulevard | \$250 |
| 25 | Causing damage to Street | \$750 |
| <u>Part 5</u> | | |
| 27(b) | Fail to comply with Permit terms and conditions | \$500 |
| 27(c) | Fail to produce Permit on demand | \$500 |