

Office Consolidation

CITY OF WHITEHORSE

BYLAW 99-72

A bylaw to regulate the temporary closure of all or part of municipal highways for the purpose of construction or storage

WHEREAS section 265 of the *Municipal Act* (1998) provides that Council may by bylaw, subject to the *Motor Vehicles Act* and the *Highways Act*, regulate traffic and manage and control municipal highways, including temporary and permanent opening and closing; and

WHEREAS it is necessary from time to time to temporarily close all or part of a highway in order to facilitate construction or storage; and

WHEREAS Council deems it desirable to delegate to a designated municipal officer the authority for approving the temporary closure of a highway for construction or storage;

NOW THEREFORE, the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the Construction or Storage Road Closure Bylaw.

DEFINITIONS

2. In this bylaw:
 - (1) "CITY" means the City of Whitehorse.
 - (2) "CONSTRUCTION" means the installation, alteration or repair of municipal water, sewer, road and transportation infrastructure and private shallow utilities such as power, telephone, cable television or gas located with in the highway, and includes the installation, alteration or repair of any items located on private property adjacent to the highway that requires the use of the highway.
 - (3) "DESIGNATED OFFICER" means the Manager of Engineering Services of the City of Whitehorse, or an authorised representative.
 - (4) "HIGHWAY" has the same meaning as in the *Motor Vehicles Act*.
 - (5) "TEMPORARY" means a period of time not exceeding one (1) year.

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- (6) "PERSON" means any legal entity including a partnership, corporation, trust, union or individual as defined in the *Yukon Interpretations Act*.
- (7) "SERVICING STANDARDS MANUAL" means the City of Whitehorse Servicing Standards Manual as amended from time to time.
- (8) "SOLID WASTE" means all waste including controlled waste, mixed waste, organic material, recyclable material and reusable material.
- (9) "STORAGE" means the placing of objects required for the keeping of articles on the highway, such as solid waste receptacles.
- (10) "STREET OCCUPATION PERMIT" means a permit issued by the Designated Officer that allows a person to temporarily occupy all or part of a highway.

AUTHORITY FOR APPROVING REQUESTS

- 3. The authority for approving requests to temporarily close all or part of a highway for the purpose of construction or storage shall be as follows:
 - (1) All temporary partial road closures shall be approved by the Designated Officer.
 - (2) All temporary total road closures for a period not exceeding seven (7) days in duration shall be approved by the Designated Officer.
 - (3) All temporary total road closures for any period in excess of seven (7) days in duration shall be approved by resolution of Council.

GENERAL REGULATIONS

- 4. No person except the City, or persons in an emergency situation, shall close any highway or part thereof for the purpose of construction or storage without first being granted a street occupation permit.
- 5. In an emergency where public safety or health is concerned, any highway or part thereof may be closed without first obtaining a street occupation permit, or without regard to other provisions of this bylaw, providing the person advises the Designated Officer without delay of the reason, and applies for a street occupation permit at the earliest time possible.
- 6. The City is not required to have a street occupation permit prior to undertaking emergency or other construction work or storage that involves the temporary closure of all or part of a highway.
- 7. Any person requesting temporary closure of a highway for construction or storage shall make application five (5) days prior to the date of the proposed

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closure by completing a street occupation permit application. Such application shall be in the form prescribed by the Designated Officer, and shall be submitted to the Designated Officer for review and approval.

8. All persons granted a street occupation permit shall:
- (1) comply with all terms and conditions of the permit;
 - (2) when required by the Designated Officer, provide proof of liability insurance covering the work being undertaken;
 - (3) when required by the Designated Officer, provide security in a form and amount acceptable to the Designated Officer;
 - (4) follow all requirements of the Occupation Health and Safety Regulations and observe all Territorial Acts and City Bylaws;
 - (5) notify Ambulance Services, the Fire Department, Bylaw Services and the R.C.M.P. of the activity and the planned highway closure;
 - (6) undertake any and all work on City water, sewer and roads in accordance with the Servicing Standards Manual;
 - (7) when required by the Designated Officer, formally notify all individual residents, organisations or businesses affected by the closure at least (3) days prior to the proposed closure;
 - (8) when required by the Designated Officer, advertise appropriately, placing construction notices in the local papers and on all local radio stations prior to any closure taking place;
 - (9) expeditiously carry out completion of all work to which the street occupation permit relates;
 - (10) when required by the Designated Officer, provide a traffic detour plan for City approval prior to complete closure of a highway;
 - (11) provide all traffic and pedestrian control barricades and signs;
 - (12) where traffic flow is reduced to one lane, or as directed by the Designated Officer, employ qualified flag people;
 - (13) ensure that access for emergency vehicles is available at any and all times;
 - (14) ensure that pedestrian access is maintained safely to all businesses during normal operation hours;

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- (15) pay for occupying metered parking stalls as required by the Bylaw Services Department;
- (16) undertake the work in such a manner as to do the least possible damage to any municipal infrastructure encountered;
- (17) ensure that the collection of Solid Waste is accommodated;
- (18) keep the work site clean and free of debris and take measures to control dust and tracked debris to the satisfaction of the Designated Officer;
- (19) restore or replace any disturbed or damaged surface works or appurtenances to City standards unless otherwise approved by the Designated Officer; and
- (20) provide sufficient cleaning force to remove all debris and waste after the activity is complete.

PENALTIES

- 9. The applicant or any person who fails to comply with the requirements of this bylaw commits an offence and is liable, upon summary conviction, to:
 - (1) a voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Schedule "A" attached hereto and forming part of this bylaw;
 - (2) a fine not exceeding ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code of Canada*; or (***Bylaw 2006-17 passed May 8, 2006***)
 - (3) a fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of the Yukon. (***Bylaw 2006-17 passed May 8, 2006***)
- 10. The Designated Officer may cancel the street occupation permit when the applicant contravenes this bylaw.

GENERAL INTERPRETATIONS

- 11. Whenever the singular or the masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context of the bylaw requires.

BYLAW SHALL PREVAIL

- 12. Where the provisions of this bylaw conflict with the provisions of any other

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bylaw of the City, the bylaw with the more stringent provisions shall prevail.

REPEAL

13. Bylaw 790, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

14. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST READING:	October 12, 1999
AMENDMENT:	October 25, 1999
SECOND READING:	October 25, 1999
THIRD READING and ADOPTION:	October 25, 1999

ORIGINAL BYLAW SIGNED BY:

Mayor: "*Kathy Watson*"

City Clerk: "*Pat Burke*"

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APPENDIX "A"

VOLUNTARY FINES

<u>Section</u>	<u>Description</u>	<u>Fine</u>
4	Fail to obtain a permit	\$100.00
8(11)(12)	Fail to provide traffic control	\$500.00
8(13)	Fail to provide access for emergency vehicles	\$500.00
8(17)	Fail to accommodate Solid Waste collection	\$500.00