



BOULEVARD AND ROADWAY PROTECTION AND REGULATION

BYLAW NO. 6366

EFFECTIVE DATE – OCTOBER 11, 1994

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>DATE OF ADOPTION</u>	<u>EFFECTIVE DATE</u> (If different from Date of Adoption)
Bylaw 6807	September 8, 1997	
Bylaw 8030	March 13, 2006	
Bylaw 8142	November 14, 2006	
Bylaw 8637	January 10, 2011	February 9, 2011
Bylaw 9736	September 11, 2017	
Bylaw 9817	February 13, 2018	



CITY OF RICHMOND

BOULEVARD AND ROADWAY PROTECTION AND REGULATION

BYLAW NO. 6366

WHEREAS pursuant to Section 571 of the Municipal Act the right of possession of every highway in the City is vested in the City.

AND WHEREAS Section 582 of the Municipal Act empowers the City Council to adopt a bylaw to regulate all uses of a highway, including use of a boulevard, and prohibits any person from excavating in, encumbering, obstructing, injuring or damaging any portion of a highway, except as permitted by such a bylaw.

AND WHEREAS Section 734 (1) of the Municipal Act empowers the City Council to prescribe conditions generally governing the issuance and validity of building permits, and to levy inspection charges.

AND WHEREAS the City Council deems it desirable to regulate the use of boulevards and roadways during the construction of buildings and structures and to provide for the protection of boulevards and roadways.

NOW THEREFORE the Council of the City of Richmond, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as "Boulevard and Roadway Protection and Regulation Bylaw No. 6366".

DEFINITIONS

2. In this Bylaw:
 - (a) "Boulevard" includes the portion of a highway between the roadway and boundary of a parcel adjacent to the highway, and includes without limitation any trees, landscaping, sidewalk, underground utilities or other improvement located within the boulevard.
 - (b) "Highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.
 - (c) "Roadway" means that portion of a highway which is improved for use by vehicular traffic and includes paving, underground utilities, curbs and gutters.
 - (d) "Statutory Right-Of-Way" means any statutory right-of-way registered in the Land Title Office in the name of the "City of Richmond".

REGULATIONS

3. Every person who uses, excavates in, encumbers or obstructs a boulevard or statutory right-of-way during the construction or demolition of a building or structure shall ensure that the boulevard is maintained to a condition suitable for pedestrian usage at all times (unless such usage was not possible prior to construction or demolition), and that the boulevard and statutory right-of-way is fully restored upon completion of all ancillary works including landscaping.
4. Every person who uses a roadway for the following purposes:
 - (a) transportation, movement or parking of construction or demolition equipment;
 - (b) transportation of material during the construction or demolition of a building or structure;
 - (c) transportation of material or equipment as part of a commercial or industrial construction operation;
 - (d) transportation of material or equipment for preloading or removal of preload at a site in preparation for construction;
 - (e) transportation of material for a commercial or industrial landscaping, horticultural or tree removal operation;
 - (f) transportation of materials for a site infill operation, including, without limitation, on property located with the agricultural land reserve or pursuant to a permit issued by the Agricultural Land Commission; or
 - (g) transportation of equipment and materials for an agricultural or farm operation

shall ensure that the roadway is immediately cleared of any materials, debris, dirt or mud deposited on the roadway during the activity or as a result of the activity, and shall ensure that the roadway is fully cleaned and restored during and upon completion of the activity.
5. In order to ensure that the requirements in Section 3 and 4 of this Bylaw are observed and to restrain contraventions of Sections 3 and 4, any owner or agent applying for a building permit or demolition permit shall submit to the City, prior to issuance of the permit:
 - (a) Security in the following amounts:

Type of Construction		Amount
(i)	Additions & Accessory Buildings (for Single or Two Family Dwellings) over 10 sq. m. in size; In-ground Swimming Pools; & Demolitions	\$500
(ii)	Move-Offs; Single or Two Family Dwelling Construction	\$1,500
(iii)	Combined Demolition & Single or Two Family Dwelling Construction	\$2,000
(iv)	Commercial; Industrial; Multi-Family; Institutional; or Government Construction	\$5,000
(v)	Combined Demolition and Commercial; Industrial; Multi-Family; Institutional or Government Construction	\$5,500

- (b) The non-refundable inspection charge required by Section 11.
6. The security and inspection charge required in Sections 5 and 11 will not apply to any application which covers:
 - (a) Developments under an agreement with the City which contain provisions for City inspections.
 - (b) Interior alterations within the confines of exterior walls and not altering or affecting City services.
 7. The security required by Section 5 (a) shall be in the form of a cash deposit, an irrevocable letter of credit, or a cheque payable to the City.
 8. In order to ensure that roadways and drainage systems are kept clear of materials, debris, dirt or mud during or resulting from activities described in section 4, a person who undertakes
 - (a) site preparation preload at a parcel or single construction site; or
 - (b) site infill of materials to a site or removal of materials from a siteshall provide security to the City in the form of a cash deposit, an irrevocable letter of credit or a cheque payable to the City in the amounts and at the times stated as follows:
 - (c) \$5,000 for site preparation preload, prior to commencement of each construction project or undertaking; and
 - (d) \$5,000 for site infill or removal of soil materials from a single parcel or identified construction site, prior to delivery or removal of the materials.
 9. The City may draw on the security
 - (a) described in Section 5 in the event of non-compliance with Sections 3 or 4, from the owner or agent, or
 - (b) described in Section 8 in the event of non-compliance with Section 4, from the person responsible for the undertaking,and may apply the security toward the City's cost of cleaning and restoration of the boulevard, highway, roadway or drainage system as applicable of material, debris, dirt or mud resulting from the non-compliance.
 10. If the City draws on security provided under Section 5 or Section 8, any unused portion of the security shall be returned to the person who provided it. If the cost of cleaning or restoration by the City exceeds the amount of the security provided, the person responsible shall be responsible to pay any amount exceeding the amount secured, and nothing in this Bylaw shall limit the liability of the owner, agent, or person undertaking an activity described herein with respect to those costs.
 11. For securities collected under subsections 5(a)(i), 5(a)(ii) and 5(a)(iii), the City will assess an annual \$500 Administrative Fee for each full year the security remains unclaimed after the date that is two years from issuance of the permit.

INSPECTION CHARGE

12. (a) A non-refundable inspection charge in the amount set from time to time in the Consolidated Fees Bylaw No. 8636 shall be payable at the same time as the security, toward the cost of inspection of the boulevard, roadway and statutory right-of-way. The charge covers two inspections, once before and once after demolition and/or construction.

Type of Construction		Amount
(i)	Additions & Accessory Buildings (for Single or Two Family Dwellings) over 10 sq. m. in size; In-ground Swimming Pools; & Demolitions	\$150
(ii)	Move-Offs; Single or Two Family Dwelling Construction	\$150
(iii)	Combined Demolition & Single or Two Family Dwelling Construction	\$150
(iv)	Commercial; Industrial; Multi-Family; Institutional; or Government Construction	\$200
(v)	Combined Demolition and Commercial; Industrial; Multi-Family; Institutional or Government Construction	\$200

- (b) If additional inspections are required as a result of the final inspection showing failure on the part of the owner or agent to complete all ancillary works including landscaping, a charge in the amount set from time to time in the Consolidated Fees Bylaw No. 8636, shall be payable for each additional inspection.

OFFENCE AND PENALTY

13. Any person who contravenes or violates any provision of this bylaw or who suffers or allows any action or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required to be done under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000 CDN); and where the offence is a continuing one, each day that the offence continues shall constitute a separate offence.

This Bylaw may be cited as “**Boulevard and Roadway Protection and Regulation Bylaw No. 6366**”.

FEES BYLAW

14. The Consolidated Fees Bylaw No. 8636, as may be amended from time to time, applies to this Bylaw.