

Subject: Minor Amendments to Right of Way By-laws

File Number: ACS2024-PDB-RHU-0023

Report to Transportation Committee on 23 May 2024

and Council 29 May 2024

**Submitted on Date 9 April 2024 by Court Curry, Director, Right of Way, Heritage,
and Urban Design Services, Planning, Development and Building Services**

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Ward: Citywide

**Objet: Modifications mineures apportées aux règlements municipaux sur
les emprises**

Numéro de dossier: ACS2024-PDB-RHU-0023

Rapport présenté au Comité des transports

Rapport soumis le 23 mai 2024

et au Conseil le 29 mai 2024

**Soumis le Date 9 avril 2024 par Court Curry, Directeur, Services des emprises, du
patrimoine, et du design urbain, Services de la planification, de l'aménagement et
du bâtiment**

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Quartier: À l'échelle de la ville

REPORT RECOMMENDATION(S)

That Transportation Committee recommend Council:

1. Approve the proposed amendments to improve administration as well as clarify and harmonize existing regulation for the following By-laws as described in the Report and detailed in Document 1:

- a) Private Approach By-law (By-law No. 2003-447)**
- b) Road Activity By-law (By-law No. 2003-445)**
- c) Use and Care of Roads By-law (By-law No. 2003-498)**

2. Delegate authority to the City Solicitor to prepare and finalize the required amending by-laws for enactment by Council.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des transports recommande ce qui suit au Conseil :

- 1. Approuver les modifications proposées visant à améliorer la gestion administrative ainsi qu'à clarifier et à harmoniser la réglementation contenue dans les règlements municipaux suivants, comme il est décrit dans présent rapport et exposé en détail dans le document 1 :**
 - a) Règlement sur les voies d'accès privées (n° 2003-447)**
 - b) Règlement sur les travaux routiers (n° 2003-445)**
 - c) Règlement sur l'utilisation et l'entretien des routes (n° 2003-498)**
- 2. Déléguer à l'avocat général le pouvoir de préparer et de parachever les règlements municipaux modificatifs requis en vue de leur adoption par le Conseil.**

EXECUTIVE SUMMARY

Assumption and Analysis

The Minor Amendments to Right-of-Way By-laws Report is an omnibus report to address items such as improved administration and enforcement, as well as minor changes in City processes. Additionally, the proposed amendments clarify intent and expectations, and improve consistency across by-laws that regulate activities within the

City's right-of-way. Reports such as this provide an opportunity to address minor issues on a continual basis outside of the larger review process for the By-laws administered by Right-of-Way Heritage and Urban Design. The proposed amendments do not require public consultation, do not alter the intent of the by-laws, and do not alter the requirements of applicants seeking permission to work within the right-of-way. Pursuant to the By-law Review Framework approved by Council in 2019, this is a Minor Amendments Report.

Public Consultation/Input

As the proposed amendments are minor and administrative in nature, and do not change the intent of the By-laws, no public consultation was required.

RÉSUMÉ

Hypothèses et analyse

Le rapport sur les modifications mineures apportées aux règlements municipaux sur les emprises est un document d'ensemble portant sur des points comme l'amélioration de la gestion administrative et de l'application des règlements, ainsi que sur des modifications mineures apportées aux processus de la Ville. Par ailleurs, les modifications proposées clarifient l'esprit des règlements et les attentes à leur égard, et améliorent la cohérence entre les règlements qui régissent les activités menées dans les emprises de la Ville. Des rapports de ce genre permettent d'aborder les enjeux mineurs de manière continue, indépendamment du processus plus global de révision des règlements administrés par les Services des emprises, du patrimoine et du design urbain. Les modifications proposées ne requièrent aucune consultation publique, ne changent pas l'esprit des règlements en question et ne dispensent pas les requérants de leur obligation de demander l'autorisation d'effectuer des travaux routiers dans les emprises de la Ville. Conformément au Cadre d'examen des règlements municipaux approuvé par le Conseil en 2019, il s'agit d'un rapport sur des modifications mineures.

Consultation et commentaires du public

Puisque les modifications proposées sont mineures, de nature administrative et sans effet sur l'esprit des règlements, aucune consultation publique n'était requise.

BACKGROUND

The purpose of this report is to allow for minor amendments to the various by-laws administered by Right of Way, Heritage and Urban Design (ROWHUD) Services in the Planning, Development, and Building Services (PDBS) Department.

These amendments are required from time to time to address specific issues such as ensuring effective administration and implementation and clarifying intent and existing expectations. The proposed amendments do not require public consultation, do not result in budget impacts, do not impose new obligations on applicants seeking permission to work within the right of way, and do not alter the overall intent of the by-laws.

The Minor Amendments Report proposes changes to several by-laws administered by ROWHUD, as detailed in the discussion section below. Under the By-law Review Framework approved by Council in April 2019, this is a Minor Amendments Report.

DISCUSSION

Over time By-laws require minor amendments to address specific issues that arise. These issues may be identified through such means as the administration or enforcement of the By-law, as part of process improvements, as well as through questions and feedback from stakeholders and residents.

The purpose of this Report is to provide an opportunity to bring forward these issues outside of the context of a comprehensive review of a By-law to help ensure that the City's By-laws continue to be clear in their intent, responsive to Council's regulatory objectives, and efficient in their administration.

The current Private Approach By-law was approved by Council in 2003, as an amalgamation of previous municipalities' by-laws. A comprehensive review of the Private Approach By-law is scheduled for this term of Council.

Amendments are required now to provide some immediate clarity surrounding expectations, to improve overall efficiencies ahead of the comprehensive By-law review, and to harmonize enforcement tools with other relevant By-laws. Table 1 below identifies the proposed amendments to the Private Approach By-law.

Significant amendments to the Road Activity By-law, as part of a comprehensive review to update the By-law, were approved by Council in 2019 and again in 2021. The amendments proposed in this report are required as staff have identified necessary changes to provide further clarity, and to improve administrative efficiency. Table 2 below identifies the proposed amendments to the Road Activity By-law.

Amendments to the Use and Care of Roads By-law were approved by Council on June 28, 2023 to allow for the installation and subsequent maintenance of Soft Landscaping, and Free Library Boxes in the ROW abutting residential private property. As well,

permissions were granted for pop-up retail display and vending opportunities within the ROW abutting commercial establishments. Additional housekeeping amendments are required to further clarify some of the recent amendments. Table 3 identifies the proposed amendments to the Use and Care of Roads By-law.

Table 1 – Proposed Amendments to Private Approach By-law

I Item	II Summary of Amendment
Delegated authority to replace non-conforming Private Approaches as part of Capital Projects	<p>In November of 2023, staff under delegated authority instituted a policy which temporarily suspends enforcement of the City's Zoning By-law No. 2008-250 and Private Approach By-law No. 2003-447, as they relate to non-compliant front yard parking and driveways that existed prior to September 30, 2007, while the City's Zoning By-law and Private Approach By-laws are being comprehensively reviewed and updated. This temporary enforcement policy was detailed to Council in an Information Previously Distributed at the November 16, 2023 Transportation Committee meeting.</p> <p>To ensure consistency with this temporary enforcement policy, staff are recommending an amendment to Section 8 to specify the General Manager's ability, through delegated authority, to allow the reinstatement of non-conforming Private Approaches that existed prior to September 30, 2007 when these approaches are taken up and replaced as part of capital renewal projects.</p> <p>This amendment is required to ensure staff have the necessary delegated authority to fully implement the enforcement direction for non-conforming approaches that existed prior to September 30, 2007.</p>
Clarifying owner's responsibility for culverts	To provide clarity surrounding already existing owner responsibilities, staff are recommending the

	<p>words ‘culvert pipe’ be added to Section 15, which specifies the abutting owner’s responsibility to provide maintenance and upkeep of their Private Approach.</p> <p>The existing definition of Private Approach already includes reference to a culvert as being part of a Private Approach.</p> <p>Section 15 states “the maintenance and upkeep of a private approach, including any curbs and headwalls shall be the responsibility of the abutting owner.</p> <p>To provide an abundance of clarity around an existing owner’s responsibility to maintain the associated culvert as part of a Private Approach, it is recommended that Section 15 be amended to include ‘culvert pipe’ within Section 15.</p> <p>This ensures clarity of existing owner’s responsibilities and reflects current practices and expectations.</p>
Timelines for service and an emergency order	<p>Staff are recommending amendments to Section 16 of the Private Approach By-law, which pertains to written notices to an owner from the General Manager outlining necessary remedial work on a private approach when the condition of a private approach does not comply with the provisions of the Private Approach By-law.</p> <p>These amendments will provide clarity surrounding how and when notice is considered received, or “served”. This element of clarity is critical as the timelines for the completion of any remediation stipulated in a notice begin upon its delivery.</p> <p>Staff are recommending to amend the language in subclause 16(1) to replace the word ‘give’ with ‘deliver’ and to include new additional subsections</p>

	<p>to include details on what the written notice will include (particulars, location and date of compliance for the contravention), how the written notice will be served , when service is deemed to have occurred and to whom the notice is directed (property owner who owns the property on which the contravention has occurred). This provides consistency with the service of orders served under the Road Activity By-law.</p> <p>An additional amendment to subclause 16(2) is also recommended to remove the current wording surrounding '30 days of delivery' and replace with 'the specified time period on the notice' to complete the remedial work. Additional wording 'or if, in the opinion of the General Manager there is a transportation or safety conflict, within the shorter period specified in the written notice' is also proposed to be removed to ensure no redundancies within the subclause.</p> <p>A new subclause is proposed to be added to allow the City to complete work in case of an emergency and ensure safe conditions and the ability for the City to recover its costs associated with that work from the property owner. This provides consistency with the corrective work order requirements under the Road Activity By-law.</p>
Failure to Obtain a Private Approach Permit	<p>In order to ensure that not only persons working without a permit are held accountable, but also those who authorized the work, staff are recommending an amendment to subclause 3(1), to include the wording 'or authorize the construction, relocation, alteration or closure.'</p> <p>Staff are seeking the flexibility to address issues of non-compliance with the adjacent property owner who authorized the work. This ensures consistency</p>

	with other enforcement sections of the Road Activity By-law.
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Table 2 – Proposed Amendments to Road Activity By-law

I Item	II Summary of Amendment
Simple and Complex Temporary Construction-related Encroachment Permit definitions	<p>In order to streamline the process to determine if a Simple Temporary Construction-related Permit or Complete Temporary Construction-related permit is required, the criteria for determination is being simplified.</p> <p>In the time since the 2021 amendments to the Road Activity By-Law, staff have distinguished between “Simple Temporary Construction-related Permit” and “Complex Temporary Construction-related Encroachment Permit solely based on the ten or less working days and the more than ten working days criteria. Therefore, staff are proposing to remove the other redundant criteria specified in the definitions of the terms “Simple Temporary Construction-related Permit” and “Complex Temporary Construction-related Encroachment Permit”. Based on challenges presented in administration, staff recommend this amendment to better align with the intended distinction between simple and complex Temporary Construction-related permits.</p> <p>Through these amendments a ‘Simple Temporary Construction-related Permit’, to permit a temporary construction-related encroachment to temporarily occupy any part of the right-of-way, will be determined on whether it is being occupied for up to ten working days.</p> <p>By extension, it is proposed that a “Complex temporary construction-related encroachment</p>

	<p>permit”, will be determined on whether the ROW is being occupied for more than ten working days, or if it is for the renewal of a ‘Simple Temporary Construction-related Encroachment permit.’</p>
<p>Highway maintenance and repair during development</p>	<p>Staff are recommending revisions to subsections 7.1(6) and 7.1(3) in order to rectify a minor copywriting issue from the 2021 amendments to the Road Activity By-law. The phrase “...and the Damage Deposit Application Fee set out in Schedule “A” for an individual Road Cut permit” does not apply to 7.1(6) and is recommended to be removed, and added to subsection 7.1(3). No change to the fee quantum is proposed.</p>
<p>Refusal to issue permit(s) due to non-compliance with other City By-laws or permit processes</p>	<p>Staff are recommending to amend Section 4 of the Road Activity By-law by adding additional text to subsection 4(7)(b)(iv) to allow staff to withhold future road cut permits where an applicant has outstanding fees owed to other groups within the City to assist in the overall coordinated collection of fees owed to the City for its services.</p>
<p>Prime Contractor</p>	<p>Staff are recommending including language within Section 4 of the Road Activity By-law to allow the General Manager authority to restrict who may apply for a Road Cut, Temporary Construction, or Temporary Road Closure Permit. The intent of this authority is to help ensure coordination and improved administrative oversight in the context of larger development projects by requiring a singular, coordinated permit holder with care and control of the project. This will help to improve City oversight and, where necessary, enforcement of the Road Activity By-law.</p>
<p>Restriction on the Installation of telecommunication ducts in newly paved roadways.</p>	<p>Staff are recommending deletion of subsection 4(12)(b) which restricts cuts into the roadway by a telecommunication carrier where trenching by a telecommunication carrier has occurred in the three years prior.</p>

	<p>The intent of this provision is to protect new pavement, however in targeting telecommunication carriers specifically, the City is at risk of challenge over whether such provision is beyond its jurisdiction. Matters related to the regulation of telecommunication carriers specifically rests with the Federal Government.</p> <p>The intent of this provision is maintained under subsection 4(12)(a), which creates a general restriction on road cuts into roadway pavement that is less than three years old. Thus, the removal of subsection 4(12)(b) does not reduce the City's protection of its roadway pavement.</p>
<p>Retroactive application of the Right of Way Damage Deposit Administrative Fee and Forfeiture period</p>	<p>Staff are recommending an amendment to subsection 7.1 (8) which provides for the retroactive application of the four-year forfeiture period to Right of Way Damage Deposits submitted prior to January of 2022.</p> <p>Amendments to the Road Activity By-law were made in 2019 to introduce the requirement to submit a Right of Way Damage Deposit when construction on private property may impact the adjacent right of way. When work is complete the proponent can then ask for an inspection and upon confirmation that the adjacent right of way is not damaged, the deposit is returned. Should there be damage that a proponent refuses to repair, the deposit can be used towards these costs. In 2022 the by-law was amended to require that after four years, if a proponent has not requested inspection and return of a ROW Damage Deposit, it is forfeited to the City. When this provision was introduced, it was not identified as retroactive to any ROW Damage Deposits previously submitted.</p> <p>It places an administrative burden on the City of Ottawa to continually hold the ROW Damage</p>

	<p>Deposit in perpetuity, and the forfeiture period incentives action on the part of a proponent to follow-up and request its return. The amendment would identify that the forfeiture period applies retroactively.</p> <p>As part of staff's existing administrative processes sites are proactively inspected and proponents notified of the need to request return of their ROW Damage Deposit. Forfeiture would only occur following the expiry of the four-year timeframe and the proponent being unresponsive to notices from the City.</p> <p>In addition, the City needs to ensure it is recovering the cost associated with the administration of the ROW Damage Deposits in accordance with the Corporate User Fee Policy.</p> <p>Similar to the above, an administrative fee for the ROW Damage Deposit was enacted by Council and came into effect in January of 2022. To ensure that the costs associated with the administration of the ROW Damage Deposit are recovered, staff are recommending that the by-law be amended to identify the retroactive application of this fee to ROW Damage Deposits collected prior to January 2022. If approved, when these deposits are returned to proponents, the City would deduct the applicable administrative fee.</p>
<p>Failure to Obtain a Road Cut Permit – Enforcement Limitations</p>	<p>Staff are recommending amendments to the wording in Section 2 of the Road Activity By-law to ensure that not only persons working without a permit are held accountable, but also those who authorized the work.</p> <p>In the context of work within the City's right of way associated with work on the adjacent private</p>

	<p>property, often where it is determined that proper permits were not obtained the contractor performing the work has since left the site. Should there be a need to enforce the Road Activity By-law, staff are seeking the flexibility to address issues of non-compliance with the adjacent property owner who authorized the work. This ensures consistency with other enforcement sections of the Road Activity By-law.</p> <p>Section 2 currently states that “no person shall undertake any road cut without obtaining a Road Cut permit.” Stop Work Orders and Corrective Work Orders can be issued to property owners for work carried out by their contractor(s), and any contravention of these Orders is an offence. Charges against a property owner for failing to obtain a permit are therefore indirectly possible, with the additional requirement that the owner fail to adhere to a Stop Work or Corrective Work Order relating to the lack of permit.</p> <p>Amending the language in Section 2 to state “no person(s) shall undertake, cause, or permit any road cut without obtaining a Road Cut permit” allows for clarity that the property owners may be liable for the failure to obtain a permit and aligns with later sections of the By-law that refer to “causing or permitting” work as well as simply “undertaking” work.</p>
<p>Clarifying General Manager Authority to reschedule an approved Temporary Road Closures</p>	<p>The General Manager currently has the authority to determine for reasons of public safety or the effective operation of the public transportation system when a Road Cut, Road Activity or Complex Temporary Construction-related Encroachment Permit or reinstatement of a Road Cut shall occur.</p>

	<p>Staff are recommending to include the phrase 'Temporary Road Closure' to subsection 5(7) to clarify that this authority includes instances when a road may be permitted to temporarily close.</p> <p>In addition to the above, staff are also recommending inclusion of the phrase "Simple Temporary Construction-related Encroachment Permit" within the list of identified permits and approvals to ensure that in the context of this permit the General Manager also has the authority to alter when the activity may occur in order to ensure public safety and transit services are not impacted.</p>
<p>Inclusion of Temporary Road Closures within definition of "Permit"</p>	<p>Staff are proposing to revise the definition of the term 'permit' to include 'temporary road closure'. This ensures that where obligations are placed on permit holders throughout the By-law it is clear that these also apply to those who have been issued a Temporary Road Closure permit.</p>
<p>Emergency Work requiring a Temporary Road Closure</p>	<p>Staff are recommending amendments and additional wording to subsection 3(4) to ensure that any emergency road closures effected by traffic management to facilitate work by a third party are cost recovered by the applicant.</p> <p>Similar to the process for Temporary Construction-related Encroachments and Road Cuts, persons working in the ROW and requiring the emergency closure of the road should be paying the fee for the administration of this closure. Additional wording is required to ensure expectations are clear and costs are recovered.</p> <p>Additionally, while persons may undertake road cuts, temporary construction-related encroachments or road activity in emergency circumstances without first obtaining a permit. In</p>

	<p>accordance with the By-law, a person must then apply for the requisite permit as soon as possible.</p> <p>To ensure clarity in the extent to which work may be undertaken in emergency circumstances without first obtaining a permit, staff are recommending an amendment to clarify that an emergency road closure may only be done by the City. Any person requiring a temporary road closure to facilitate emergency works would therefore need to request the City close the road.</p>
<p>Requirement for payment of application fee associated with Emergency Temporary Road Closure.</p>	<p>Staff are recommending that Section 23 be amended to clarify that where an applicant has requested the City effect an Emergency Temporary Road Closure to facilitate their work, they be required to subsequently submit an application and pay the requisite fee to ensure the City is recovering the cost of administering these temporary road closures done to facilitate third party work</p> <p>Currently, is it difficult to get applicants to come in after the emergency situation and the proposed amendment provides clear authority to require the cost recovery.</p>

Table 3: Proposed Amendments to Use and Care of Roads By-law

I Item	II Summary of Amendment
<p>General requirements for abutting property owners</p>	<p>Staff are recommending an amendment to subsection 5(1) to set out the responsibility and expectations of abutting property owners who take on a property with soft landscaping and / or a Free</p>

	<p>Library Box that was installed by a previous property owner.</p> <p>This aligns with the amendments previously approved by Council in June 2023 and clarifies the responsibility of abutting property owners.</p>
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FINANCIAL IMPLICATIONS

There are no direct financial implications for the proposed amendments to the Private Approach By-law (By-law No. 2003-447) and Use and Care of Roads By-law (By-law No. 2003-498). Amendments for the Road Activity By-law (By-law No. 2003-445) include clarity on retroactive application of the four-year forfeiture period and retroactive application of the Right of Way Damage Deposit Administrative Fee to ROW Damage Deposits collected prior to January 2022. These amendments will align with current practice allowing forfeitures and Right of Way Damage Deposit Administrative Fee to be recognized from Right of Way Damage Deposit collected prior to January 2022 upon forfeiture.

LEGAL IMPLICATIONS

There are no legal impediments associated with Committee and Council's approval of the recommendations of this report.

COMMENTS BY THE WARD COUNCILLOR(S)

City-wide Report, not applicable.

ADVISORY COMMITTEE(S) COMMENTS

There are no Advisory Committee(s) comments associated with this Report.

CONSULTATION

There was no public consultation required, as the Report recommendations do not change the intent of the By-laws.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this Report.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications. Amendments such as those related to non-conforming private approaches, responsibility for culverts, and alignment of permit approvals in compliance with other City By-laws or permit processes, however, all contribute to proper management of city water resources assets, the performance of drainage systems, and ensure that other critical requirements are met.

CLIMATE IMPLICATIONS

There are no direct climate implications associated with this Report.

DELEGATION OF AUTHORITY IMPLICATIONS

This report reflects administrative and process-related amendments, some of which modify upon existing delegated authority to achieve the intended amendment. The exercise of this delegated authority will be reported out in accordance with the provisions of the relevant By-laws

ECONOMIC IMPLICATIONS

There are no direct economic implications associated with this Report.

ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications associated with this Report.

INDIGENOUS, GENDER AND EQUITY IMPLICATIONS

There are no Indigenous, Gender and Equity implications associated with this Report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendation in this Report.

RURAL IMPLICATIONS

There are no rural implications associated with this Report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this Report.

TERM OF COUNCIL PRIORITIES

This Report supports the following 2023-2026 Term of Council Priorities:

- A city that is more connected with reliable, safe and accessible mobility options
- A city that is green and resilient

SUPPORTING DOCUMENTATION

Document I Details of Proposed Amendments

DISPOSITION

Upon Council approval of the proposed amendments, Right of Way (ROW) Branch, Right of Way, Heritage and Urban Design Services to prepare the amending by-law and forward to Legal Services for review and assistance with enactment.

Document 1 – Details of Proposed Amendments

1. Amend the Private Approach By-law (By-law No. 2003-447) as follows:

- a. Subsection 3(1) is deleted and replaced with the following:
 - (1) No person shall construct, relocate, alter, or close, or authorize the construction, relocation, alteration, or closure of, a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of this by-law and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.
- b. Subsection 8(2)(b), to be amended to remove the wording 'and can not' and insert a comma following 'conform' followed by 'it may'.
- c. Section 15 remove 'and' in-between 'curbs' and 'headwalls'; add a comma after 'curbs' and insert 'and culvert pipe,' after 'headwalls'.
- d. Subsection 16(1) to be amended to replace 'give' with 'deliver.'
- e. Add the following new subclauses immediately after subsection 16(1):
 - (2) The written notice shall set out reasonable particulars of the contravention adequate to identify the contravention and the location at which the contravention occurred and the date by which there must be compliance with the notice.
 - (3) A written notice under this section may be served:
 - a) personally on the owner;
 - b) to an email address of the owner or provided on a permit;
 - c) by registered mail to the last known address of the owner or permit holder or the person; or
 - d) placed in a conspicuous place on or near the non-compliant private approach.
 - (4) Where a notice under this section is served personally or by email by the City, it shall be deemed to have been served on the date of delivery to the person or persons named.

(5) Where a notice under this section is served by registered mail, it shall be deemed to have been served on next business day following the date of mailing.

(6) Where a notice under this section is served by placing it in a conspicuous place on or near the non-compliant private approach, it shall be deemed to have been served on the person to whom the notice is directed on the date it is posted.

(7) No person shall fail to comply with a notice issued under this section.

- f. Delete subsection 16(2) and replace with the following subsection (8) and (9) immediately after subsection 16(7):

(8) If the owner has not completed the remedial work to the satisfaction of the General Manager within the specified time period specified on the notice delivered pursuant to subsection (1), the General Manager may order the remedial work to be completed at the owner's expense, and all costs incurred by the City in completing the remedial work shall be paid by the owner and may be recovered by adding the costs to the tax roll and collected in the same manner as property taxes.

(9) Notwithstanding subsections (1) and (8), the General Manager may cause the remedial work to be completed in the event of an emergency and all costs incurred by the City in completing the remedial work shall be paid by the owner and may be recovered by adding the costs to the tax roll and collected in the same manner as property taxes.

Amend the Road Activity By-law (By-law No. 2003-445) as follows:

- a. In Definitions, for "Complex temporary construction-related encroachment permit" remove criteria 2, 3, and 4. Remove the wording "that meets any of the following criteria:". Remove the 1 and the semi-colon from "exceeds ten working days" and connect with the preceding sentence.
- b. In Definitions, for "Simple temporary construction-related encroachment permit" remove criteria 2. Remove the 1, the semi-colon and 'and' from "Lasts up to ten working days" and connect with the preceding sentence.
- c. In subsection 7.1(3), add "and to pay the Damage Deposit Application Fee set out in Schedule "A"." at the end of the sentence immediately after the phrase "... hereof are undertaken to the satisfaction of the General Manager".

- d. In Subsection 7.1(6), remove “and the Damage Reposit Application Fee set out in Schedule “A”.” from the end of the subsection.
- e. In subsection 4(7)(b)(iv), include “or any other fees outstanding to the City;” at the end of the sentence.
- f. In Section 4, add a new subsection 4(20) which states “The General Manager may determine who may and may not apply for a Permit under this By-law.”
- g. In Section 4, remove subsection 4(12)(b) and remove ‘or’ from the end of subsection 4(12)(a).
- h. Subsection 7.1(8) is amended by adding the phrase “As of July 1, 2019,“ to the beginning of the subsection.
- i. Amend section 2 to add “cause, or permit” after ‘undertake.’
- j. In subsection 5(7), include ‘Temporary Road Closure’ in-between ‘Road Cut’ and ‘Road Activity.’
- k. In subsection 5(12), include ‘Temporary Road Closure or’ in between ‘Road Cut’ and ‘Complex-temporary Construction-related Encroachment Permit.’
- l. In Definitions for ‘Permit’, add “and temporary road closure permit,” after “temporary construction-related permit.”
- m. In subsection 3(4), after ‘road cut permit,’ add “Temporary Construction-related encroachment, and / or temporary road closure.” In addition, add the following wording to the end of the sentence:

“Notwithstanding this section, no emergency road cut and / or encroachment may completely close the highway without prior permission from the City. Where permission is granted and the road is closed on an emergency basis, the person who so requested shall submit an application for a road closure in accordance with section 3.”

- n. In Section 23, re-number subsection (5) to (1).
- o. In the new subsection 23(1), add “or temporary road closure” after “...no permit holder or person working under the authority of a Road Cut, Temporary Construction-related encroachment.” In addition, add “and the applicable fees are paid to the City” and the end of the sentence.
- p. In the new subsection 23(1), add a new paragraph 23(1)(b) which states:

“Where work by a permit holder or a person undertaking Road Activity requires the City to initiate an emergency road closure the City may require the permit holder or person undertaking the Road Activity to complete the prescribed application and pay the non-refundable fee.”

2. Amend the Use and Care of Roads By-law (By-law No. 2003-498) as follows:

- a. Amend subsection 5(1) to include the following sentence:

“In the event that the boulevard abutting the owner’s land contains Soft Landscaping and/or a Free Library Box, the owner of land shall maintain the Soft Landscaping and / or a Free Library Box on the boulevard abutting the owners land in accordance with this By-law.”