

# Report to Council



**Date:** November 28, 2016  
**File:** 3900-20  
**To:** City Manager  
**From:** Darryl Astofooroff, Public Works Manager & Greg Wise, Bylaw Services Manager  
**Subject:** Amendments to the City of Kelowna Traffic Bylaw No. 8120 and Notice Enforcement Bylaw No. 10475  
Report Prepared by: Stuart Evans, Traffic Programmer

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## **Recommendations:**

THAT Council, receive, for information, the report from the Public Works Manager and the Bylaw Services Manager, dated November 28, 2016, pertaining to changes in the Traffic Bylaw and Bylaw Notice Enforcement Bylaw regarding road usage and hoarding permits and temporary traffic control requirements for construction on City right of ways;

AND THAT Council give reading consideration to Bylaw No. 11214 being Amendment No. 28 to the Traffic Bylaw No. 8120;

AND THAT Council give reading consideration to Bylaw No. 11253 being Amendment No. 17 to the Bylaw Notice Enforcement Bylaw No. 10475.

AND FURTHER THAT staff bring forward changes to the City of Kelowna Parks and Space Bylaw No. 10680 to harmonize definitions and treatment of Chattels in public spaces with the proposals in the November 28, 2016 report of the Public Works Manager.

## **Purpose:**

To amend the Traffic Bylaw with more specific language and details pertaining to road usage, hoarding permits, temporary traffic control requirements for construction on City 'right-of-ways' (ROW) and to provide Bylaw Enforcement Officers additional tools to address illegal occurrences that take place on City ROWs.

## **Background:**

A number of items and definitions are outdated due to changes in Work Safe BC regulations, changing provincial and national traffic control standards, public safety, traffic flow and to protect ROW infrastructure in the City. The penalties for unauthorized or unapproved work, storage of equipment or materials storage on city ROW's are insufficient and are not a deterrent to offenders.

Staff has identified the need for adding additional sections to our Traffic Bylaw and the Notice Enforcement Bylaw which would allow for better controls and process to recover costs for the repair, maintenance or cleanup for substandard work otherwise.

There are several “housekeeping items” for sections of the Traffic Bylaw no. 8120 and Bylaw Notice Enforcement bylaw no. 10475 to allow for improved clarity of enforcement. Housekeeping definitions have been made for clarity of conditions such as:

- Clarifying the definitions of Park (a standing vehicle) for enforcement purposes and removing the loading and unloading exemption to prevent the abuse of parking restriction exemptions from all listed sections of the traffic bylaw.
- Parking commercial vehicles exceeding 5600 kg GVW in residential areas was changed in an earlier amendment to the Traffic Bylaw in 2014 to drop the “overnight” wording and allow for enforcement at any time of day, but was not changed in the ticketing Bylaw (Bylaw Notice Enforcement Bylaw no. 10475.) This is a housekeeping correction to match the appropriate wording to the section in both bylaws;
- Changing the wording of section 4.1.2 (gg) in the Bylaw Notice Enforcement Bylaw from “Parked in handicapped zone without permit” to mirror the previous updated description change in the Traffic Bylaw no.8120 “Parked in Accessible Zone without permit”;
- “Unlicensed Vehicle on highway” to “Parked without displaying valid license plates”;
- Under the pedestrian regulations section, removing the time restriction for sitting or lying on sidewalks to allow for enforcement at all hours of the day;
- Changing the definition of Chattels to exclude items such as soiled clothing/bedding, perishable food and personal hygiene items, among others. This change is reflected in the Notice of Impoundment and Recovery of Fees, allowing Bylaw officers to discard unsanitary items and garbage and reduce the length of impoundment of any chattel from 60 days to 14 days. This was necessary as 1% of items are being reclaimed and the volume of impounded chattel is unmanageable with the current impound period listed.

The recommended revisions and updates in the Parking Prohibitions section are as follows:

- The addition of a subsection for enforcement of detached trailers on public roadways has been included. This is consistent with a number of other municipalities who have this section within their Traffic Bylaw. It allows for improved parking management on roadways as pressure for on-street parking availability increases due to densification of residential neighborhoods from population growth and with recent zoning amendments to allow suites in most zones. This change will also allow for improved enforcement of Commercial Semi trailers being stored on public roadways in commercial zones that currently reduces available on street parking availability.
- Parking penalties have been increased to deter offenders including obstructing traffic flow, parking for more than 72 hours with no valid Road Usage Permit and outside of an approved work zone. A schedule of fines accommodates these revisions.

The recommended revisions and updates in the road usage and hoarding sections of Bylaw 8120 will see less substandard work, better construction practices, less unauthorized work taking place, fewer inconveniences to the travelling public, increased public safety during special events and will better protect City ROW infrastructure:

- Additional sub-sections have been added under Parking Prohibitions to clarify restrictions and allow for better enforcement. These include parking for more than 72 hours with no valid Road Usage Permit and outside of an approved work zone, detached trailers, and leaking vehicles which places owners responsible for any damages to public property. This is reflected under Highway Use Regulations and Damage to Highway Surface to also include damage caused by a burning vehicle.
- Road Usage administration fees have been increase from \$25 to \$75 to reflect actual administration and inspection costs.
- Where Road Usage permittees leave work unfinished the City may complete such unfinished work and recover the costs plus a fee of \$500 per day. This is to ensure compliance with approved Road Usage Permits and to allow for increased public safety.
- Amending construction Hours of Work from 9:00PM to 10:00 PM to reflect the Kelowna Noise and Disturbances Control Bylaw and to provide clarity on public notification requirements.
- Adding a new section; Prime Contractor Designation. By Signing the Road Usage Permit Application, the Permittee accepts the roles and responsibilities of the Prime Contractor per all Kelowna Bylaws and WorkSafe BC.

**Internal Circulation:**

Brian Beach - Infrastructure Delivery Department Manager  
Purvez Irani - Development Engineering Manager  
Dave Duncan - Parking Services Manager  
Moudud Hasan - Transportation & Mobility Manager  
Stephen Fleming – City Clerk  
Jodie Foster – Communications Supervisor  
George King – Financial Planning Manager

**Legal/Statutory Authority:**

Work Safe BC Regulations  
Traffic Bylaw No. 8120  
Notice Enforcement Bylaw No. 10475

**Considerations not applicable to this report:**

**Existing Policy:**

**Personnel Implications:**

**Alternate Recommendation:**

**Legal/Statutory Procedural Requirements:**

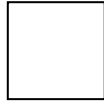
**Financial/Budgetary Considerations:**

**External Agency/Public Comments:**

**Communications Comments:**

Submitted by: D. Astofooroff, Public Works Manager and G. Wise, Bylaw Services Manager

Approved for inclusion:



Joe Creron, Divisional Director, Civic Operations

cc: Corinne Boback, Legislative Coordinator