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TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON APRIL 28, 2014
FROM:	JOHN BRAAM, P. ENG. MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT	AMENDMENTS TO THE STREETS BY-LAW AND THE VARIOUS FEES & CHARGES BY-LAW

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the attached proposed by-laws (Appendices "A" & "B") **BE INTRODUCED** at the Municipal Council meeting to be held on May 6, 2014 for the purpose of amending the Streets By-law (S-1) and the Various Fees and Charges By-Law (A-47), in order to incorporate fees and charges currently contained in the Streets By-law into the Various Fees and Charges By-law, which will significantly reduce the potential for inconsistency and increase the efficiency in updating those fees and charges, as required.

BACKGROUND

The Streets By-law (S-1) and the Various Fees and Charges By-Law (A-47) require amendments to ensure that any references to fees and charges in the Streets By-law direct the reader to the Various Fees and Charges By-Law, the latter of which is reviewed and updated on an annual basis to ensure all fees and charges remain current. As such, the following amendments are being proposed:

Streets By-Law

- Replacement of section 2.10.6 to provide for the associated fees to be included in the Various Fees and Charges By-law;
- Replacement of section B.2 of Schedule 'B' to provide for the associated fees to be included in the Various Fees and Charges By-law;
- Replacement of section B.3 of Schedule 'B' to provide for the associated fees to be included in the Various Fees and Charges By-law;
- Replacement of section B.5 of Schedule 'B' to provide for the associated fees to be included in the Various Fees and Charges By-law;

Various Fees and Charges By-Law

- Adding the fees noted in section 2.10.6, and sections B.2, B.3 and B.5 of Schedule 'B' to the Streets By-law
- Extending the increased approved works permit fee for long-term encroachments in the Downtown to arterial roads in order to address the increased related administrative costs.

Agenda Item # Page #

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Acknowledgements:

This report was prepared by Shaun Chen of the Transportation Planning and Design Division and Shane Maguire of the Roadway Lighting & Traffic Control Division.

PREPARED BY:	REVIEWED & CONCURRED BY:
SHANE MAGUIRE, P. ENG. DIVISION MANAGER ROADWAY LIGHTING & TRAFFIC CONTROL	EDWARD SOLDI, P.ENG. DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	
JOHN BRAAM, P.ENG. MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

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April 22, 2014/SC

Attach: Appendix "A": Proposed By-law to Amend the Streets By-Law
 Appendix "B": Proposed By-law to Amend the Various Fees and Charges By-law

cc: City Solicitor's Office

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APPENDIX "A"

Bill No.
2014

By-law No.

A by-law to amend By-law S-1 being "A by-law to provide for the Regulation of Streets in the City of London"

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 7, Services and things that the municipality is authorized to provide under subsection 10(1);

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. S-1 is hereby amended by deleting section 2.10.6 in its entirety and by replacing it with the following new section 2.10.6 as follows:

"2.10.6 An object or vehicle removed pursuant to subsection 2.10.2 shall be stored by the Corporation for a period not less than 60 days, during which 60-day period the owner may be entitled to redeem said object or vehicle upon producing appropriate identification, upon signing an acknowledgement and release on a required form, and upon payment satisfactory to the City Treasurer those fees and charges as set out in Schedule 1 of the City of London's Various Fees and Charges By-law, for the following:

- (a) a fee for the manual removal of an object or vehicle;
- (b) a fee for the removal of an object or vehicle that cannot be removed manually, plus the cost of any special equipment required for removal; and
- (c) a storage fee per day or part thereof.

2. Schedule 'B'- Public Street – Work Approval Permit, of By-law No. S-1 is hereby amended by deleting section B.2 in its entirety and by replacing it with the following new section B.2:

"B.2 Fees – Work Approval Permit

The applicant shall pay such fees for a Work Approval Permit as are imposed by the City Engineer in accordance with the fees and charges set out in Schedule 1 of the City of London's Various Fees and Charges By-law, for the following:

- (1) administrative and inspection costs;
- (2) roadway maintenance fees, where the applicant undertakes road excavations and other related works applicable to the City's streets; and
- (3) fees for a licence to occupy a street or portion of a street, if applicable under section B.3."

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3. Schedule 'B' Public Street – Work Approval Permit, of By-law No. S-1 is hereby further amended by deleting section B.3 in its entirety and by replacing it with the following new section B.3:

“B.3 License to Occupy Street

Where an applicant anticipates occupying a street or a portion of a street for more than 30 days, the applicant shall enter into a licence agreement with the City prior to issuance of a permit. Under that agreement, the applicant shall pay a fee as set out in Schedule 1 of the City of London's Various Fees and Charges By-law.”

4. Schedule 'B' Public Street – Work Approval Permit, of By-law No. S-1 is hereby further amended by deleting section B.5 in its entirety and by replacing it with the following new section B.5:

“B.5 Renewal of Permit for Approved Works

The permit may be renewed for the number of days indicated on the renewal permit, and upon payment of a daily fee as set out in Schedule 1 of the City of London's Various Fees and Charges By-law.”

5. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on May 6, 2014

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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APPENDIX "B"

Bill No.
2014

By-law No.

A by-law to amend By-law A-47 being "A By-Law to provide for Various Fees and Charges" as it relates to fees for roadways.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- (a) for services and activities provided or done by or on behalf of it;
- (b) for costs payable by it for services and activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property or property under its control;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law A-47 entitled "a By-law to provide for Various Fees and Charges" is hereby amended in Schedule 1 "Engineering and Environmental Services" "Service Grouping: Roadways" by deleting that section in its entirety and by replacing it with a new section included as Appendix "1" to this by-law.
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on May 6, 2014

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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Appendix “1”

**SCHEDULE 1
ENVIRONMENTAL AND ENGINEERING SERVICES (cont'd)**

SERVICE GROUPING: ROADWAYS

Service/Activity	Effective Date	Fee
<u>Roadway Maintenance</u>		
Sidewalk Cut	Jan. 1/ 2014	Admin Fee \$50.00 + \$70.00/square meter
Curb Cut	Jan. 1/ 2014	\$110.00/meter
Curb Removal	Jan. 1/ 2014	\$25.00/meter
Asphalt Cut Restoration	Jan. 1/ 2014	\$21 .00/square meter (vertical 25 m)
Pavement Degradation (Contractor/utilities)	Jan. 1/ 2014	\$11.00/square meter
<u>Roadway Planning & Design</u>		
Permit for Approval Works	Jan. 1/2014	\$275.00 per City Work Approval Permit
If work exceeds permit time period \$100.00/day; If work long term & more than 30 days \$29.06/sq. m, inside downtown core and on all arterial roads, \$16.15/sq. m outside downtown core, \$8.07/sq. m for a Charitable Organization.		
<u>Vehicle/Object Removal and Storage</u>		
Manually Removal	Feb. 20/2014	\$100.00/removal
Remove by Alternative Method	Feb. 20/2014	\$100.00/removal plus equipment cost
Storage Charge	Feb. 20/2014	\$5.00 per day or part thereof
<u>Snow Control</u>		
Sidewalk Snow Clearing - Core Area Winter Maintenance -Unassumed Subdivisions	Jan. 1/ 2014	\$80.00 Mm. Charge Actual Cost Winter Season + Admin. Fee
Icicle Removal	Jan. 1/ 2014	\$155.00 (min rate) +15% Admin Fee
<u>Street Lighting &Traffic Signal</u>		
Flashers Barricades	Jan. 1/ 2014	\$3.25/day
Traffic Control Signs	Jan. 1/ 2014	\$4.00/day
Traffic Cones	Jan. 1/ 2014	\$1.50/day
Traffic Signal Timing Information	Jan. 1/ 2014	\$135.00