



OFFICE CONSOLIDATION

BYLAW NUMBER 20M88

**A BYLAW OF THE CITY OF CALGARY TO CONTROL AND
REGULATE THE USE OF STREETS IN THE CITY AND TO
RESTRICT AND REGULATE ACTIVITIES ON, ADJACENT,
OR NEAR TO STREETS**

(Amended by Bylaw Number's 54M88, 32M89, 12M93, 20M93, 21M93, 42M93, 34M95, 32M96, 3M97, 29M97, 36M97, 18M98, 26M98, 39M98, 7M99, 52M99, 1M2000, 57M2001, 24M2002 **Effective September 30, 2002**, 23M2003, 38M2003, 5M2004, 7M2004, 52M2005, 45M2006, 16M2007, 40M2007, 43M2007, 31M2008, 39M2008, 42M2008)

WHEREAS as the title to all public highways, roads, streets, lanes, and alleys in the municipality is vested in the City of Calgary, pursuant to Section Number 172 of the Municipal Government Act, R.S.A., 1980, ch. M-26;

AND WHEREAS Subsection Number 3 of Section Number 172 of the Municipal Government Act, indicates that the Council of the City of Calgary has the control and management of the public highways, roads, streets, lanes, alleys, etc. within the City, including the air space above and the ground below;

AND WHEREAS the Council of the City of Calgary may pass bylaws or resolutions for the acquisition, construction, maintenance, and repair of public highways, roads, streets, lanes, sidewalks, and other public works, pursuant to Section Number 177 of the Municipal Government Act;

WHEREAS the Council of the City of Calgary may pass bylaws for the peace, order and good government of the municipality and for promoting the health, safety, morality, and welfare of its residents, pursuant to Section Number 112 of the Municipal Government Act;

AND WHEREAS Bylaw 9022 was originally passed by the Council of the City of Calgary on the 27 day of May, 1974 and needs to be updated;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. (1) This Bylaw shall be cited as the "Street Bylaw".
- (2) Where another City Bylaw is referenced anywhere within the Street Bylaw, it shall be deemed to refer to that Bylaw currently in effect and will include any and all amendments to such Bylaw or any other Bylaw passed in substitution therefor.

DEFINITIONS

2. In this Bylaw
 - (1) "Awning" means a folding or collapsible cover capable of being extended from or retracted to the building or structure to which it is attached.
 - (1.a) "approving authority" means a person authorized by bylaw to decide development permit applications pursuant to Land Use Bylaw 2P80, as amended or substituted;

- (1.0.0) "*Agent*" means every person, who, by mutual consent, acts for the benefit of another, including sales representatives, hawkers or employees;
- (1.1) "*Bleachers*" means a temporary seating structure commonly known as bleachers erected to provide seating for the purpose of viewing events taking place on City lands.
- (2) "*Boulevard*" means the strip of land between the curb and the Sidewalk and between the Sidewalk and the property line, or where there is no Sidewalk, the strip of land between the curb and the property line. Where there is no curb the meaning shall be extended to include the strip of land between the near edge of the Roadway and the property line.
- (3) "*Canopy*" means a non-retractable, solid projection which extends from the face of a building and includes, among other things, a structure commonly known as the theatre marquee but does not include architectural features such as lintels, sills, mouldings, architraves, and pediments.
- (4) "*Chief Building Inspector*" means the person representing the officer of the City responsible for administering the provisions of the Alberta Building Code.
- (5) "*Chief of Police*" means the executive head of the Calgary Police Service by whatever rank or title he may be designated or the member acting as such head.
- (6) "*City*" means the municipal corporation of the City of Calgary or the area contained within the City boundaries as the context requires.
- (7) REPEALED BY B/L 1M2000, 2000 JANUARY 24.
- (8) REPEALED BY B/L 52M99, 1999 OCTOBER 4.
- (9) "Council" means the council of the City.
- (10) REPEALED BY B/L 1M2000, 2000 JANUARY 24.
- (11) "*dispose*" means discharging, dumping, placing, throwing, dropping, discarding abandoning, spilling, leaking, pouring, emitting, emptying, or any two or more of them.
- (12) "*encroachment*" means the use of any portion of the Street and includes the airspace over such Street and any area beneath the surface of the Street.
- (13) "*Enforcement Officer*" means a member of the Calgary Police Service or a Bylaw Enforcement Officer of the City.
- (14) "*Firearm*" means a firearm as defined in the Criminal Code of Canada.
- (14.1) "*Director, Roads*" means the Chief Executive Officer of The City of Calgary or his designate.
- (14.1.1) "*Director, Parks*" means the Chief Executive Officer of the City of Calgary or his designate;
- (14.1.2) "*Distributor*" means a person or their agent, responsible for the placement of

Newspaper Boxes;

- (14.1.3) “*General Manager of Transportation*” means the person appointed by the City Manager as the person in charge of The City of Calgary Transportation Department and includes any person delegated to represent the General Manager of Transportation;
- (14.2) “*Landowner*” includes an occupier, tenant, a person in control of property, and the person shown as the owner of the property on the Land Title for that property;
- (15) “*Litter*” means any solid or liquid material or product or combination of solid or liquid materials or product including, but not limited to:
- (a) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement, or the whole or part of an animal carcass or offal, coal, wood, gravel, earth, sawdust, glass, or like material, plastic, nails, staples, tacks, scraps of metal, expended tobacco products; or
 - (b) the whole or part of any article, raw or processed material, vehicle or machinery of any type that is disposed of.
- (16) “*Material*” means any object or article, animal waste, ashes, building waste, dry refuse, garbage, industrial chemical waste, refuse and yard waste as defined in The Waste Bylaw, and includes sand, gravel, earth and building products.
- (17) “*Median Strip*” means a physical barrier or strip of land that separates lanes of traffic on a Street.
- (17.1) “*Natural Forces*” includes:
- (a) rain, snow melt, and
 - (b) water from hoses or other mechanical or human action;
- (17.1.1) “*Newspaper Box*” means a dispenser designed to publicly dispense Newspapers and includes examples housing one or more Newspapers;
- (17.2) “*Park*” means a public space controlled by The City and set aside as a Park to be used for rest, recreation, exercise, pleasure amusement and enjoyment and includes:
- (i) playgrounds;
 - (ii) cemeteries;
 - (iii) natural areas;
 - (iv) sports fields;
 - (v) Pathways;
 - (vi) trails; and

(vii) Park Roadways;

but does not include golf courses.

(17.3) "*Park Roadway*" means a road, including parking lots for Vehicles, in a Park, which is set aside specifically for use by Vehicles and Bicycles;

(17.4) "*Pathway*" means a multi-purpose thoroughfare controlled by The City and set aside for use by pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous.

(17.5) "*Receptacle*" means a container that is placed to provide for the collection of Litter.

(18) "*Roadway*" means that portion of the Street set aside for the specific use of the general public for the passage of vehicles but does not include any privately or publicly owned area primarily intended to be used for the parking of vehicles and the necessary passageways on that area.

(19) "*Sidewalk*" means that portion of a Street set aside for the use of and ordinarily used by pedestrians, whether or not the surface of such portion is covered with gravel, concrete, asphalt, or other type of paving.

(20) REPEALED BY B/L 29M97, 1997 JULY 28.

(21) "*Street*" means any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

(a) and includes:

(i) a Sidewalk (including a Boulevard portion thereof),

(ii) where a ditch lies adjacent to and parallel with the Roadway, the ditch, and

(iii) where a Street is contained between fences or between a fence and one side of the Roadway, all the land between the fences, or all the land between the fence and the edge of the Roadway, as the case maybe, but

(b) does not include:

(i) a place declared by the Lieutenant Governor-in-Council not to be a Street, or

(ii) a Pathway governed by City of Calgary Bylaw 20M2003, The Calgary Parks and Pathways Bylaw.

(22) "*Street Bylaw*" means Bylaw Number 20M88 of the City of Calgary and includes every Bylaw passed in amendment thereof or in substitution therefor.

- (23) "*Traffic Engineer*" means the person appointed to the designated officer position of Traffic Engineer established under the Traffic Bylaw.
- (24) "*Transmission Facility*" means an underground or above ground transmission line of any type used for the distribution, collection, or movement of any energy source or any product organic or inorganic.
- (24.1) "*Tree Protection Barrier*" means a fence or other protective cordon surrounding a tree to restrict access;
- (24.2) "*Tree Protection Plan*" includes:
- (a) an inventory of all trees in a particular location specifying the species, trunk diameter, height, canopy, critical root zone, existing flaws or damage of each tree and whether each tree is expected to be retained, moved or removed;
 - (b) an inventory of all man made items within a particular location including land disturbance and excavation, grade changes, trenching, building foot print location of existing and proposed buildings and utilities, construction, roads, parking, storage, sidewalks, driveways and other hardscaping, surface hardware such as light standards and fire hydrants.
 - (c) Construction methods and equipment to be used in the work including the location of staging and hoarding areas;
 - (d) tree protection measures such as installation of temporary barriers, tree protection signs and contact information, pruning, protective mulch, supplementary water, aeration and irrigation systems, tree wells, transplanting specifications, staking specifications, erosion control fences; and
 - (e) plans for the maintenance of trees both during construction and following the completion of the work, including assignment of an individual on site to assure that barriers and signs are maintained and the Tree Protection Plan adhered to;
- (25) "*Vehicle*" means a device in, upon or by which a person or thing may be transported or drawn upon a Street, and includes a trailer so designed that it may be attached to or drawn by a motor vehicle or tractor and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and includes any type of machinery, tractor, or such like.
- (26) "*Walkway*" means a right-of-way set aside for the use of and ordinarily used for pedestrian travel of the general public, whether publicly or privately owned and includes a Sidewalk (and Boulevard portion thereof) but does not include a Pathway.
- (27) "*Work Forces*" means City employees and/or contract workers employed by the City.
(B/L 32M89, 1989 November 6)
(B/L 34M95, 1995 April 3)
(B/L 29M97, 1997 July 28)

(B/L 52M99, 1999 October 4)
(B/L 1M2000, 2000 January 24)
(B/L 57M2001, 2001 December 17)
(B/L 24M2002, 2002 May 27, **Effective September 30, 2002**)
(B/L 38M2003, October 6)
(B/L 23M2003, 2004 January 12)
(B/L 40M2007, 2007 July 23)
(43M2007, 2008 February 25)

SOLICITING AND SELLING

3. No person shall solicit or sell merchandise of any nature by stopping or restricting pedestrians in the lawful use of a Sidewalk.
4. (1) Subject to Section 5, no person shall place or leave on display or exhibit merchandise of any nature for sale on any portion of a Street.
- (2) Subject to Section 5, no person shall, while on a Roadway or Meridian Strip:
- (a) sell or offer for sale any goods; or
 - (b) offer or perform any service, including cleaning vehicle windshields or washing vehicles
- to or for any occupant of a vehicle.
- (3) Subsection (2) shall not apply to persons engaged in the business of vehicle towing or roadside vehicle assistance.
- (B/L 7M2004, 2004 January 26)
5. (a) No person shall solicit for or carry on any business, trade or occupation or offer any goods or services on a Street.
- (b) Exceptions to subsection (a) above are for those persons defined in Section 6 (newspaper vending boxes) and 7 (sidewalk café) of this Bylaw, and:
- 1. those persons authorized by The City of Calgary to conduct campaigns of public contributions;
 - 2. DELETED BY 43M2007, 2008 FEBRUARY 25;
 - 3. a vendor of ice cream products and fast food confections from a vehicle licensed for that purpose;
 - 4. a pushcart vendor licensed pursuant to the Downtown Pushcart Vendors License Bylaw; or

5. a person specifically authorized to do so in writing by the Director, Roads.
(B/L 32M89, 1989 November 6)
(B/L 3M97, 1997 February 24)
(B/L 7M2004, 2004 January 26)
(B/L 16M2007, 2007 March 26)
(43M2007, 2008 February 25)

NEWSPAPER VENDING BOXES

6. (1) (a) The Director, Roads may issue a permit, with conditions, to allow the placement of a Newspaper Box on the Street so that the Newspaper Box will not interfere with persons using the Street for normal purposes.
- (b) Any Distributor who is refused approval by the Director, Roads shall have the right to appeal that refusal to the General Manager of Transportation by submitting notice in writing, within 14 days of the refusal, to the office of the General Manager of Transportation.
- (c) The size, appearance and locations of Newspaper Boxes on the Street are subject to the approval of the Director, Roads.
- (2) The Distributor shall:
- (a) remove Newspaper Boxes within 48 hours when requested to do so by the Director, Roads. If the Director, Roads deems it expedient to change the locations of any of the Newspaper Boxes, the Director, Roads may cause the Newspaper Boxes to be removed or changed in location and will subsequently notify the Distributor;
- (b) be responsible to maintain the Newspaper Boxes and the Newspapers in a clean and tidy condition free of litter and graffiti at all times;
- (c) remove from the Newspaper Boxes any unsold Newspapers at the expiration of twenty-four (24) hours for daily publications and after seven (7) days from the expiry of the publication for weekly or greater publications; and
- (d) adhere to the conditions included in the permit to place the Newspaper Boxes and Newspapers on the Street.
- (3) No person shall place or cause to be placed a Newspaper Box:
- (a) on the road right-of-way within three (3) metres of any Calgary Transit bus zone, on an LRT station (which includes all lands of the station parcel) or within the 7th Avenue South transit corridor unless specifically entitled to do so under a contract with Calgary Transit and approved by the General Manager of Transportation;
- (b) on Stephen Avenue Mall (8th Avenue South) between 3rd Street East and 5th Street West;
- (c) on Barclay Mall (3rd Street East) between 2nd Avenue South and 9th Avenue South; or

- (d) attached to any traffic control device, streetlight pole or street furniture, unless prior approval has been obtained pursuant to Subsection 6(1)(a).
 - (B/L 54M88, 1988 November 28)
 - (B/L 21M93, 1993 March 8)
 - (B/L 36M97, 1997 October 6)
 - (B/L 52M99, 1999 October 4)
 - (B/L 1M2000, 2000 January 24)
 - (B/L 38M2003, 2003 October 6)
 - (B/L 23M2003, 2004 January 12)
 - (43M2007, 2008 February 25)

SIDEWALK CAFES

- 7. (1) Any person who is licensed to carry on the business of a restaurant by the City may apply in writing to the Director, Roads for permission to operate a sidewalk or outdoor cafe on City-owned land (including a Street) adjoining such restaurant.
- (2) The Director, Roads may grant permission for the use of such City-owned land or Street as a sidewalk or outdoor cafe subject to:
 - (a) the applicant obtaining any required permits pursuant to the City of Calgary Land Use Bylaw 2P80.
 - (b) the applicant entering into a License of Occupation agreement satisfactory to the Director, Roads and the payment of a rental fee as may be determined by the City from time to time.
- (3) Notwithstanding Subsection 7(2) a Licence of Occupation granted under the provisions of this Section shall be for temporary periods of occupation only and shall be subject to termination or cancellation by the City on no more than thirty (30) days notice.
- (4) This Section shall be subject to the provisions of the Mall Bylaws, being Bylaw Number 52M87; Bylaw Number 26M85; Barclay Mall Bylaw Number 17M84; City Hall Area Redevelopment Plan (Olympic Plaza Mall) being Bylaw Number 11P82.
 - (B/L 1M2000, 2000 January 24)
 - (B/L 38M2003, 2003October 6)

DANGEROUS AND UNLAWFUL PRACTICES

- 8. Unless otherwise lawfully authorized, no person shall convey a firearm, pellet gun, B.B. gun, air gun, or gas operated gun in which a round of ammunition for such a gun or firearm is in the chamber within the City.
- 9. (1) No person shall discharge a firearm, pellet gun, B.B. gun or a gas powered gun within the City.
- (2) Notwithstanding Subsection (1), the Chief of Police may authorize the discharge of a firearm or gun for animal control purposes, special events or within the range facilities of a gun club or similar organizations.
- (3) An authorization under Subsection (2) shall be in writing and may be in the form of a specific authorization or an annual permit for a specified location, event or activity.

- (4) Subject to Subsection (2) an authorization under this section may be granted, with or without conditions, where, having regard to the circumstances and location of the discharge activity, it is deemed, in the absolute discretion of the Chief of Police, to be in the public interest.
- (5) The Chief of Police may further delegate any authority under this Section to a designated person or position in The Calgary Police Service.
(B/L 32M96, 1996 June 24)
10. No person shall shoot an arrow from a bow of any nature, over, across, or along any portion of a Street, public place, or upon any land owned by The City unless otherwise authorized pursuant to a bylaw of The City of Calgary, or in the case of a Park, unless authorized by the Director, Parks or his designate.
(B/L 23M2003, 2004 January 12)
11. Subject to Subsection 11.1, no person shall discharge a sling-shot, bolaro, or device of any kind which will propel a projectile that may cause injury or harm, over, across, or along any portion of a Street, public space, or upon any land owned by the City.
(B/L 23M2003, 2004 January 12)
- 11.1 The Director, Parks or his designate may permit, subject to any conditions he considers appropriate, the discharge of devices or projectiles within a Park or a specific area of a Park.
(B/L 23M2003, 2004 January 12)
12. No person in control of a model airplane of any nature shall use any portion of a Street for the purpose of flying or testing such a model airplane.
13. No person shall tamper, damage, or interfere with a life saving device placed on a City structure for the purpose of helping someone in distress, unless such life saving device is used for that purpose.
14. (1) A person who rents, owns, or leases a dwelling unit within a structure shall be deemed responsible for any object disposed of from within the premises of such dwelling unit onto any portion of a Street adjacent to such structure.
- (2) A person shall not throw an object of any description over or upon any portion of a Street.
(B/L 32M89, 1989 November 6)
15. A vehicle found to be leaking engine or transmission fluids or fluids of any type shall be deemed to constitute a danger to public safety and may be towed away and the fluids removed from the street at the expense of the registered owner of the vehicle.
(B/L 32M89, 1989 November 6)
16. No Person shall tamper with or remove a manhole cover or valve cover from its seatbase installed in a Street. Removal of or work associated with such manhole or valve requires authorization by the Director, Roads.
(45M2006, 2006 September 11)

USE OF STREETS

General – Material on Streets

17. (1) Except to the extent specified in and subject to the conditions of a permit signed by or on behalf of the Traffic Engineer, no person shall:
- (a) No person shall, except in a Receptacle, dispose of Litter on any portion of a Street.
 - (b) No person shall, except in a Receptacle, dispose of Litter on any portion of a Street from a Vehicle.
 - (c) No person shall dispose of burning Litter on any portion of a Street.
- (2)
- (a) If a Vehicle is involved in an offence referred to in Subsection (1)(b), the owner of that Vehicle is guilty of an offence.
 - (b) Subsection (2)(a) does not apply if the owner of the Vehicle satisfies the Court that the owner was not in control of the Vehicle, and that the person having control of the Vehicle at the time of the offence had control of the Vehicle without the owner's express or implied consent.
- (3) No person shall place or allow to be placed an electrical cord, hose, chain, or other similar obstruction over or across any portion of a Street.
- (4) No person shall place, dispose, direct or allow to be placed, directed, or disposed, any Material belonging to that person or over which that person exercises control on a portion of a Street except to the extent specified in and subject to the conditions of a permit signed by or on behalf of the Traffic Engineer pursuant to Section 20.
- (5) Notwithstanding Subsection (4), sand, gravel, salt or calcium chloride placed upon icy portions of a Street to reduce the danger of slippery conditions shall be allowed under this Bylaw.”
- (39M2008, 2008 September 08)
18. A Landowner shall ensure that Material on his property or on property in his control is stored, placed or Disposed of in such a way that the Material does not enter onto the Street by any means including Natural Forces.
- (45M2006, 2006 September 11)
- 18.1 No person shall store, place or dispose of any Material in such a way that it may enter onto the Street by any means including Natural Forces.
- (39M2008, 2008 September 08)
19. A person authorized under permit to develop private or public land adjacent to a Street, or the general contractor or other person acting on behalf of such person, shall not allow mud, dirt, or other construction debris to be tracked by motor vehicles from said lands onto a Street.
- (45M2006, 2006 September 11)

Construction and Maintenance Operations – Permits

20. (1) Where a person wishes to park, leave, stand, store or station any vehicle, material, or object used in connection with a building construction or maintenance operation on a portion of a Street that person shall:
- (a) obtain a permit in writing from the Traffic Engineer,
 - (b) in addition to any other charges required, pay a daily charge as specified in Schedule "A".
- (2) A person who obtains a permit from the Traffic Engineer pursuant to this section shall comply with all of the provisions and conditions of the permit.
- (3) A person who obtains a permit from the Traffic Engineer pursuant to this section shall:
- (a) erect and maintain any fenced enclosure around the portion of Street pursuant to the permit
 - (b) ensure that:
 - (i) warning signs are posted for the approaching public, and
 - (ii) pedestrian movements can be maintained past the work area.
- (4) A person who obtains a permit from the Traffic Engineer pursuant to this section shall ensure that temporary traffic controls are:
- (a) properly in place prior to commencement of the operations, and
 - (b) removed from the Street upon completion of the operation.
- (5) A person who obtains a permit from the Traffic Engineer pursuant to this Section shall ensure no motor vehicles of any type are parked or allowed to be parked in that area permitted for the storage of items.
- (6) A person who obtains a permit from the Traffic Engineer pursuant to this Section shall ensure access is maintained to all fire hydrants and water valves.
(45M2006, 2006 September 11)
21. A person who obtains a permit from the Traffic Engineer pursuant to this Section shall:
- (a) maintain any Tree Protection Barriers, and
 - (b) follow any Tree Protection Plans to the satisfaction of the Director, Parks.
(45M2006, 2006 September 11)
22. A person who has received authorization in the form of any required permits from the City to carry out construction activities of any nature adjacent to a Street shall ensure that any type of structure erected in connection with such construction activities will not block the vision of pedestrian signals or any other traffic control devices located on the Street adjacent to such construction site.
(45M2006, 2006 September 11)
23. (1) The Traffic Engineer shall consult with the Director, Parks before issuing a permit pursuant to Section 20.

- (2) Where it is determined to be advisable by the Director, Parks, the Traffic Engineer may require an applicant for a permit to submit a Tree Protection Plan before issuing a permit pursuant to Section 20.
(45M2006, 2006 September 11)
24. The Traffic Engineer shall consult with the Director, Calgary Transit, where a permit may require closure of a bus zone or rerouting of transit service.
(45M2006, 2006 September 11)
25. Except to the extent specified in and subject to the conditions of a permit signed by or on behalf of the Traffic Engineer, no person shall:
- (a) place any building materials, building tools, machinery, or construction device on any portion of a Street;
 - (b) park, leave, stand, or station a trailer, shed, mobile home or other structure used in connection with a building operation, or a mobile crane or other mobile building construction machine on any portion of a Street;
 - (c) load or unload material, machinery, or equipment of any kind used in connection with a building operation on any portion of a Street;
 - (d) leave standing a portable garbage container with a width greater than 2.0 metres on any portion of a Street;
 - (e) use any portion of a Boulevard which is not designed and constructed for vehicular travel as access for vehicles or machinery to a building operation.
(45M2006, 2006 September 11)
26. (1) A person who obtains a permit from the Traffic Engineer pursuant to this Bylaw shall pay to the City a monthly fee, as specified in Schedule "A",:
- (a) for each lineal metre of a Sidewalk or Boulevard up to a maximum of 3.0 metres in perpendicular distance from the property line for the purposes of the operation; and
 - (b) for each lineal metre of a traffic lane on the Street so used up to a maximum of 2.5 metres in perpendicular distance of the Roadway from the curb or Sidewalk for the purposes of the operation.
- (2) The Traffic Engineer may reduce the fees or a portion of the fees specified in Schedule "A" required pursuant to this Section where a person provides enhanced screening in connection with a building construction or maintenance operation on a portion of a Street.
(45M2006, 2006 September 11)
(31M2008, 2008 June 23)
27. If a person who obtains a permit from the Traffic Engineer pursuant to this Bylaw requires an additional portion of Sidewalk or Boulevard than provided for in Section 26(a) for the storage of building materials, or building tools and any construction devices or a combination of any of them, that individual shall pay to the City a further charge, as specified in Schedule "A", for each additional square metre of Street required.
(45M2006, 2006 September 11)

28. If a person who obtains a permit from the Traffic Engineer pursuant to this Bylaw requires an additional portion of the Street than provided for in Section 26(b) for the storage of building materials or building tools and any construction devices or a combination of any of them, that individual shall pay to the City a further charge, as specified in Schedule "A", for each additional square metre of Street required.

(45M2006, 2006 September 11)

29. Where in connection with the use of a part of a Street the Traffic Engineer considers it necessary or desirable to hood a parking meter so that it may not be used, a person who obtains a permit pursuant to this Bylaw in respect of which the meter is or meters are required to be hooded shall pay, as specified in Schedule "A":

- (a) a fee per day or part of a day for each day other than a holiday that the meter is required to be hooded, and
- (b) a minimum flat rate for having the meter hooded.

(45M2006, 2006 September 11)

30. Where a person has obtained authorization in the form of a permit issued by the Traffic Engineer pursuant to Section 20 which require that temporary traffic control devices be erected, all costs incurred in providing such temporary traffic control shall be deemed a debt due to the City.

(45M2006, 2006 September 11)

31. (1) A person who, without written authorization in the form of a permit from the Traffic Engineer pursuant to Section 20, makes use of any portion of a Street in connection with a construction or maintenance operation of any nature shall, notwithstanding any penalty assessed under this Bylaw, upon direction of an Enforcement Officer forthwith cease such use and remove any and all things from the Street.

(2) Failure to comply with the directions of an Enforcement Officer pursuant to Subsection 31(1) may result in Work Forces performing such work required to remove any and all such things, and the costs of the work performed may be recovered from the person responsible as a debt due to the City.

(3) Any items removed pursuant to Subsection 31(2), if deemed of value, will be removed to a place of safekeeping and will:

- (a) be assess a daily fee for storage costs as may be determined from time to time by the Director, Roads, and
- (b) if unclaimed within ninety (90) days, will be sold at public auction with any monies received accruing to the City to the extent of the debt due pursuant to Subsection 31(2)

(45M2006, 2006 September 11)

32. The registered owner of private property adjacent to a Street shall, at the time such property is being developed in any manner:

- (1) be responsible for and ensure the replacement of any shrubbery or trees located on the Street which have been damaged or removed during the process of development to the satisfaction of the Director, Parks;

- (2) be responsible for and ensure the rehabilitation of the Boulevard area to the satisfaction of the Director, Roads; and
- (3) be responsible for and ensure any repairs or replacement of the Sidewalk, curb or gutter including the removal and rehabilitation of any existing unused driveway crossings and driveway aprons.

(45M2006, 2006 September 11)

Cranes

- 34. (1) The overhead movement of a crane of any type into the airspace over any portion of a Street shall be carried out pursuant to any current relevant Provincial regulations concerning this type of operation.
- (2) The owner of a crane of any type, whether housed and operated from within the perimeter of a construction site or a mobile crane of any type operated from within the perimeter of a construction site, who lifts a load of any kind over any portion of a Street shall furnish to the City:
 - (a) an indemnification agreement saving the City harmless against loss, damage, injury, or claim arising from anything done in connection with the exercise of the permission applied for,
 - (b) performance security, to cover the cost of damages which may be sustained to the Street, satisfactory to the Director, Roads, and
 - (c) insurance satisfactory to the Chief Executive Officer of The City of Calgary or his designate.
- (3) The owner of a mobile crane authorized by issuance of a permit by the Traffic Engineer to locate on a portion of a Street shall furnish to the City an indemnification agreement, performance security and insurance as prescribed in Subsection 34(2).

(45M2006, 2006 September 11)

ALTERATION OF GRADES

- 35. (1) No person may in the course of developing private land adjacent to a Street, alter in any manner the existing grade of the Street adjacent to such private property.
- (2) Notwithstanding Subsection 35(1), the Director, Roads may, upon receipt of drawings prepared by a Professional Engineer, approve the alterations to the grade of any Street. Such work shall be done in accordance with the provisions of this Bylaw.
 - (B/L 32M89, 1989 November 6)
 - (B/L 1M2000, 2000 January 24)
 - (B/L 38M2003, 2003 October 6)
- 36. (1) The City may alter or cause to be altered the grade of any Street at any time, and any pole, poles, utility services of any type, or any other things, on or beneath a Street shall be relocated and relaid at the expense of such person in control of such pole, poles, or utility services.
- (2) Notwithstanding the provisions of Subsection 36(1), or anything hereinafter provided, where the City has entered into an agreement whereby the City undertakes to pay a

portion or all of the cost of relocating or relaying such pole, poles, or utility services and such agreement is still in force, then the owner of same shall bear only such portion of the cost as is required by terms of such agreement.

EXCAVATIONS IN STREETS

37. No person shall excavate or break up the surface of a Street without authorization in writing from the Director, Roads.
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
- 37.1 In the case of any excavation or breaking up of the surface of a Park Roadway or Pathway, no person shall excavate or break up the surface of a Park Roadway or Pathway without specific authorization in written form signed by the Director, Parks or his designate.
(B/L 23M2003, 2004 January 12)
38. (1) When a person applies for authorization from the Director, Roads to alter any portion of a Street for the purposes of construction of any type, that person must first apply for and obtain authorization in the form of an indemnification agreement, and shall furnish to the City:
- (a) a performance security to the satisfaction of the Director, Roads, guaranteeing the rehabilitation of the Street arising from any work performed in connection with the exercise of the permission applied for, and
 - (b) a certificate of insurance and indemnity saving the City harmless against loss, damage, or liability of any kind arising from any work performed in connection with the exercise of the permission applied for, and
 - (c) a maintenance security guaranteeing the repair of the Street for a period of two years, and
 - (d) a certified cheque or cash to cover the cost of inspection services for the repair of the Street in the amount established by the Chief Executive Officer of The City of Calgary or his designate.
- (2) Any security or insurance certificate furnished pursuant to this section shall be satisfactory to the Chief Executive Officer of The City of Calgary or his designate.
(B/L 52M99, 1999 October 4)
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
39. Unless and until the security required by the Section 38 is furnished and approved, the Director, Roads shall not grant the authorization applied for pursuant to Section 37.
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
40. (1) Any person who excavates any portion of a Street or utility right-of-way for the purposes of installing or repairing a public utility, television cable line, electrical transmission line, or communications link of any nature shall apply for and obtain authorization in the form of an excavation permit, and shall comply with those conditions listed on such permit.

- (2) Any person making an application for authorization to install a new permanent transmission facility or structure above or below the surface of the Street, shall first apply to the Director, Roads and obtain a "line assignment" for such installation and shall provide the Director, Roads with plans showing existing and proposed transmission facilities or structures.
- (B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
41. The supplier or distributor of natural gas, telephone service, or television cable service shall:
- (1) indemnify and save harmless the City from and against all loss, damages, or claims arising from or out of the use of the Street in connection with the transmission or distribution of such gas, telephone service, or television cable service, and
- (2) rehabilitate all and any portion of the Street, excavated or broken up, to the satisfaction of the Director, Roads.
- (B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
42. A supplier or distributor of natural gas, telephone service, or television cable service, need not furnish the performance and maintenance securities required by Section 38 unless specifically so required by the Chief Executive Officer or his designate.
- (B/L 1M2000, 2000 January 24)
43. When authorization by the Director, Roads in the form of an indemnification agreement has been issued to a person for the purposes of Section 38, all shoring components or related systems installed into the Street to assist in building construction must be removed to the satisfaction of the Director, Roads as specified in the indemnification agreement.
- (B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
44. When a person exercises authorization obtained pursuant to Section 37, the location of all underground transmission facilities including but not limited to public utilities, television cable line, electrical transmission line, or communications link shall be obtained from the owners of such facilities, before commencing any excavation or trenching work using power tools or equipment of any kind.
45. A person exercising authorization obtained pursuant to the provisions of Section 37, shall:
- (1) erect an adequate fence or barrier to prevent vehicles from damage or pedestrians from injury by the presence of a broken-up portion of, or an excavation or hole in, a Street or by any machinery or equipment used in or in connection therewith, and
- (2) provide adequate warning and vehicle or pedestrian directional signs for the daylight period to the satisfaction of the Traffic Engineer, and
- (3) provide to the satisfaction of the Traffic Engineer, illuminated warning and directional signs at night, positioned in such a manner as to provide adequate warning to pedestrians and operators of motor vehicles of the condition of the Street surface, and
- (4) restrict the excavation to the smallest dimensions practical and provide adequate

shoring to the satisfaction of the Director, Roads to prevent the collapse of the sides of a hole or excavation.

(B/L 38M2003, 2003 October 6)

EXCAVATIONS ADJACENT TO STREETS

46. A person making an excavation on property adjacent to a Street shall:

- (1) construct adequate shoring on the sides of the excavation to prevent any damage occurring to the surface of a Street by collapse of the excavation walls and to prevent any liability through damage or injury, and shall submit to the Chief Building Inspector plans outlining all such shoring details. Should such barricading and fencing encroach into the Street, the applicant must comply with the provisions for use of portions of a Street provided for elsewhere in this Bylaw.
- (2) where a building permit has been issued for a construction site, erect barricading and fencing required for the construction site in compliance with regulations relating to such barricading and fencing as contained in the Alberta Building Code.
- (3) where the anchoring or tie-back system required for the shoring in Subsection 46(1) encroaches into the Street, either above or below the surface, apply for and obtain authorization in the form of an indemnification agreement and furnish to the City a performance security ensuring the removal of the shoring or tie-back system, a certificate of insurance saving the City harmless against loss, damage, or liability of any kind arising from the work performed, a maintenance security, and an inspection fee in the amounts established by the.

(B/L 32M89, 1989 November 6)

(B/L 1M2000, 2000 January 24)

47. If the Chief Executive Officer of The City of Calgary or his designate of the opinion that an excavation adjacent to the Street does or may create a danger to persons using the Street, or may be liable to damage the Street, they may require the person making the excavation to apply and obtain authorization in the form of an indemnification agreement furnishing such necessary performance security and certificate of insurance to secure the performance of the excavation and saving harmless the City and public utilities as may be affected by the excavation from any liability, loss, or damage arising from the existence of the excavation. Such security and insurance shall be in the amounts established by the Chief Executive Officer of The City of Calgary or his designate.

(B/L 32M89, 1989 November 6)

(B/L 52M99, 1999 October 4)

(B/L 1M2000, 2000 January 24)

48. (1) REPEALED BY B/L 26M98, 1998 SEPTEMBER 15

(B/L 32M89, 1989 November 6)

ENCROACHMENTS OF BUILDING FOOTINGS AND SUPPORT STRUCTURES

49. (1) Except as allowed in Section 50, the footings or other portion of a foundation of a building or structure of any nature shall not encroach onto any portion of a Street.

(2) REPEALED BY B/L 18M98, 1998 APRIL 27

- (3) Notwithstanding the foregoing, in the Downtown, defined as the south side of the Street known as 12 Avenue South north to the Bow River and the west side of the Street known as 14 Street West east to the Street known as 6 Street East, the following permanent encroachments into property line setbacks as identified in the Land Use Bylaw, shall be permitted below the surface of the Street:
- (a) a maximum of 1200 mm below the depth of 15000 mm on 7 Avenue South and 8 Avenue South and below 6700 mm on all other Streets.
 - (b) a maximum of 500 mm for shoring piles below the depth of 2000 mm. Anchor plates may be left in the ground but all tie-back rods must be removed.

Except as elsewhere provided in this Bylaw, no encroachment will be permitted below the surface of the Street.

USE OF SPACE UNDER STREET

50. (1) REPEALED BY B/L 18M98, 1998 APRIL 27
- (2) No person shall make an excavation or otherwise make use of any land under a Street unless and until that person has made written application to the Director, Roads and has obtained such authorization.
 - (3) Unless the Director, Roads approves the design of the proposed excavation under the Street and the method proposed by the applicant for restoring and supporting the surface of the Street, permission shall be refused for an excavation in a Street.
 - (4) The applicant shall enter into an indemnification agreement and shall furnish a performance security and a public liability insurance in the amount ensuring the payment of any claim or expense to which the City may be placed by reason of exercise of the privilege granted.
 - (5) If authorization is given for the location and purpose of the use of the space under the Street:
 - (a) the excavation and other work in connection with preparation and use of the space and the restoration and protection of the surface of the Street shall comply with the applicable provisions of this Bylaw,
 - (b) a rental may be charged for the use of the space and shall be that fixed by Council.
 - (6) When the covering for the excavation or opening under the Street is exposed and not covered with the surfacing material of the Street, the owner of the premises shall, to the satisfaction of the Director, Roads:
 - (a) maintain the covering in good, safe and serviceable condition at all times, and
 - (b) keep any movable opening or covering closed at all times except when actually being used.
 - (7) If a person responsible for making the covering for the excavation or the person responsible for maintaining such covering fails or neglects to so do in a manner satisfactory to the Director, Roads, the City may cover the excavation or repair or maintain the covering and may charge the expense for such work to the person who is

responsible to do it under the provisions of this Section.

- (8) A person making an excavation in the Street and a person installing the support for the Street and restoring the surface thereof shall not be relieved of any liability imposed by the provisions of this Bylaw, by an agreement or security provided for in Section 50, by a statute or any rule of law or by reason of any approval granted by the Director, Roads pursuant to the provisions of this Section.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

PLACEMENT OF UNDERGROUND UTILITIES IN STREETS

51. A person who owns or operates a pipeline, utility line, or electrical transmission line, television cable line, or communication line of any nature whether buried beneath the surface of a Street or erected on an above ground structure of any type in a Street, shall furnish to the Director, Roads:

- (1) a detailed engineering drawing of the facility and control devices indicating location, type, height above or depth below the surface of the Street, and
- (2) a detailed engineering report, signed and stamped by a Professional Engineer licensed to practice engineering in the Province of Alberta, containing the purpose of the facility, physical and chemical characteristics of the material which it conveys whether benign or hazardous, operating and maximum allowable pressures where applicable and a description of control devices for systems operations and procedures for containment of potential hazards which may affect public safety and the environment.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

52. Where there is no agreement in effect governing the installation of a transmission facility, a person applying for authorization to install a pipeline, public utility line, electrical transmission line, television cable line or communications line of any nature, whether to be installed beneath the surface of a Street or erected above the surface on a structure of any type, shall furnish to the City:

- (1) a performance security guaranteeing the rehabilitation of the Street to the satisfaction of the Director, Roads, and
- (2) a certificate of insurance saving the City harmless from any liability arising from anything done in connection with the work for which authorization has been granted and costs or damages incurred by an accident of any nature which may arise from the installation of such pipeline, public utility line, television cable line, electrical transmission line, or communications line within any portion of a Street.

Such security and insurance shall be in the amounts established by the Chief Executive Officer of The City of Calgary or his designate.

(B/L 52M99, 1999 October 4)

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

ERECTION OF POLES

53. (1) Subject to the provisions of any Federal or Provincial statute, or any regulation made

thereunder, no person shall erect, or set up, in any portion of a Street:

- (a) a pole, or poles of any nature,
- (b) a guy-wire or any other means of support for such poles unless authorization in writing in the form of a line assignment has been obtained from the Director, Roads. This provision does not include the placement of new in-line intermediate poles on existing line assignments.

- (2) All applications received pursuant to Subsection 53(1) shall be circulated to the Enmax Power Corporation for approval of the type, support, and placement of any such pole or poles.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

- 54. (1) A person who has received authorization in the form of a line assignment for the erection or placement of a pole in a Street shall obtain an excavation permit from the Director, Roads prior to breaking up the surface of the Street for the placement of such pole or poles.

- (2) The person applying for the excavation permit pursuant to Subsection 54(1) shall submit a plan outlining the proposed work with the application for permission.

- (3) The Director, Roads may:

- (a) direct that changes be made in the proposed location of any pole or poles,
- (b) specify the type, composition, and length of the pole or poles, and
- (c) impose conditions as to the use and maintenance of such pole or poles as may be deemed required.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

- 55. (1) The provisions of Sections 52, 53, and 54 do not apply to poles erected by the Enmax Power Corporation.

- (2) The Enmax Power Corporation shall, prior to the erection of any poles, series of poles, or transmission tower or towers, for the purpose of conveying electricity on any portion of a Street, submit to the Director, Roads a plan outlining the location of such poles or towers for approval of the line assignment. This provision does not include the placement of new in-line intermediate poles on existing line assignment.

- (3) Prior to commencement of such work pursuant to Subsection 55(1) an excavation permit must be applied for and approved by the Director, Roads.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

PROJECTIONS OVER STREETS

- 56. (1) No person shall construct a projection from a building or other structure which extends into a street.

- (2) The following categories are exceptions to the strict requirements of subsection 56(1):

- (a) the requirements respecting the installations and maintenance of fire escapes as may be set out under either Part 3.4 of the Alberta Building Code, 1990 or the Alberta Fire Code, 1992 or any regulation passed in substitution for them;
- (b) any canopy, awning, sign or other projection which complies with the provisions of the Land Use Bylaw 2P80 and the Temporary Signs in Highways Bylaw 29M97 or any bylaw passed in substitution for them; and
- (c) any structure approved by the Director, Roads in accordance with subsection 56.1(1) of this Bylaw.

(B/L 18M98, 1998 April 27)
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)

- 56.1 (1) Notwithstanding subsection 56 (1), the Director, Roads may, subject to any City policy on encroachments including the payment of costs, rentals, taxes or fees payable in respect of an encroachment, grant permission by written authorization for a structure to be built under, on or over a street.
- (2) The Director, Roads may, with the approval of City Council, from time to time specify the fees to be charged for authorization of encroachments, including application or licence fees.

(B/L 18M98, 1998 April 27)
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)

57. (1) Unless the projection is shown or described in an application for a Development Permit to construct or alter a building made pursuant to the provisions of the Land Use Bylaw, a person who wishes to construct a Canopy or other projection, any part of which will extend over any portion of a Street or over a right-of-way or property line setback established by the Land Use Bylaw shall apply to the approving authority for approval of the projection, the location thereof, and the manner in which it is to be constructed and supported and for a Permit to construct the projection.
- (2) Prior to any such Permit referred to in Subsection 57(1) being issued the Director, Roads shall approve the location and size of the projection where the same extends over the Street, right-of-way or property line setback.
- (3) Whether the projection overhanging a Street is applied for in a separate application or in an application for a permit to build a building or other structure to which the projection will be attached, the Director, Roads may attach conditions to the approval to reduce the risk to persons using the Street from injury or inconvenience by reason of the projection being present and to prevent the projections from impeding the use of the Street.
- (4) Unless and until the applicant for the construction of a projection into a Street executes an agreement with the City which:
- (a) indemnifies and saves harmless the City from and against any claim, damage, loss, expense, or liability in any way connected with the construction, maintenance and use of the projection, which agreement shall be secured by

such bond, public liability insurance, and other security as the City Solicitor may require, and

- (b) provides for the payment of all fees relating to permits for the construction of the projection, and
 - (c) may contain an undertaking to pay to the City the rental in respect of the projection over the Street required by Section 58 which payment shall be secured by such security as the City may require, and
 - (d) creates an encumbrance on the building to which the projection is attached ensuring compliance by the owner thereof with the provisions of this Bylaw applicable to the building, the approving authority shall not issue a permit for the construction of the projection.
- (5) The approving authority may issue a permit for the construction of the projection proposed to be added to a building, or a building which will contain such a projection, provided:
- (a) the Director, Roads approves the projection over a Street for which the permit is requested, and
 - (b) the approving authority certifies that the projection proposed complies with the applicable provisions of the Land Use Bylaw, and
 - (c) the projection proposed complies with the provisions of this Bylaw including but not limited to the provisions of this Section, and
 - (d) the applicant has furnished the required bonds, insurance, and other security as required pursuant to Subsection 57(4).

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

CANOPIES AND AWNINGS

58. (1) A Canopy or similar projection constructed pursuant to the provisions of this Section shall comply with the following requirements:
- (a) unless otherwise approved by the Director, Roads a Canopy shall be securely anchored to the building to which it is attached and shall have no support from the ground or from the Street over which it is hung,
 - (b) no part of a Canopy shall extend so that a vertical line from the outer edge of the Canopy which projects over a portion of a Street intersects the Street at a point less than 750 mm from the edge of the Roadway,
 - (c) no part of a Canopy shall be less than 2400 mm above the Street, and
 - (d) no part of a Canopy shall extend over any portion of a Street which is less than 10 metres wide.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

59. Canopies or similar projections constructed in accordance with this Section shall be subject to a thirty (30) day removal condition. Such condition will form a part of the terms of the Development Permit governing the construction of the building or other structure to which such Canopy will be attached or revision to an existing Canopy. Within thirty (30) days of giving of notice by an Enforcement Officer to remove the Canopy, the owner shall remove the portion of the Canopy or other projection which extends over a portion of the Street right of way or property line setback. Failure to comply with such notice may result in the work being done by Work Forces and the cost recovered as a debt due to the municipality by the owner.
60. No person shall erect or replace an Awning, Canopy, or other projection extending over any Street or other public land in the City without first securing the necessary approvals from the approving authority.

(B/L 1M2000, 2000 January 24)

61. (1) Where an Awning or Canopy is attached to a premises adjacent to a Street, the occupant of such premises shall take adequate measures to clear any accumulation of snow from the Awning or Canopy to prevent dripping which may create a hazardous condition for persons lawfully using the Street.
- (2) A person erecting an Awning over a Street shall place it so that the lowest point of the Awning is not less than 2400 mm above the surface of the Street, Sidewalk, or other surface beneath it.
- (3) A person shall not erect an Awning any part of which:
- (a) when extended is less than 750 mm from a line extended vertically up from the edge of the Roadway, and
 - (b) when folded up is more than 600 mm into the Street.

(B/L 32M89, 1989 November 6)

FIRE ESCAPES

62. (1) Where a fire escape projects over a portion of a Street, its lowest portion shall not be less than 4250 mm above the street grade below it when the fire escape is not extended for emergency use.
- (2) When a fire escape exists over a Street the movable portion thereof shall be kept in a raised position at all times except when the same is being used during a fire drill, danger of fire, a fire, or other emergency.

SIDEWALK CHUTES

63. (1) Notwithstanding any provisions of this Bylaw or of the Alberta Building Code, no person shall apply for and the City shall not grant permission for the construction of a Sidewalk chute to serve any building now erected or to be erected within the City.
- (2) Where a Sidewalk chute presently exists in the City to serve any building and there is no existing Agreement concerning the same between the City and the owner of the building, no person shall reconstruct the Sidewalk chute and the City may fill the same in or otherwise reconstruct the Sidewalk without regard to the chute.

SIGNS IN STREETS

64. REPEALED BY B/L 29M97, 1997 JULY 28

(B/L 20M93, 1993 March 8)

SIDEWALK CROSSINGS

65. (1) A person may drive a motor vehicle, team, bicycle, or haul a cart or load across a Sidewalk at a place where:
- (a) the Sidewalk is crossed by a lane, or
 - (b) there is a prepared permanent or temporary crossing constructed or approved in writing by the City, or
 - (c) the curb, gutter and Sidewalk are constructed so that the type of vehicle crossing them will not weaken or damage the curb, gutter, or Sidewalk at that place, or
 - (d) special written permission has been obtained from the Director, Roads.
- (2) When special permission is obtained from the Director, Roads pursuant to the provisions of Subsection 65(1)(d), the person who has permission to cross the Sidewalk shall protect the surface of the Sidewalk, curb and gutter in a manner satisfactory to the Director, Roads.
- (3) Subject to Subsection 65(2) and Section 67, no person shall:
- (a) drive a motor vehicle, tractor or other machine or a team, or
 - (b) drive or allow a hoofed animal to move, or
 - (c) haul or push a heavy load or object of any type across or along a street, boulevard, sidewalk, curb or gutter except at a place allowed by the provisions of Subsection 65(1).
- (4) No person shall damage, cut away, or break or remove portions from a gutter, curb or Sidewalk.
- (5) Otherwise than as provided in this Section, no person shall:
- (a) construct or attempt to construct a Sidewalk crossing by placing any object or material on any part of the Street, including but not limited to the gutter thereof, whether or not the same is constructed as a portion of the Sidewalk or curb or constructed separately therefrom, or
 - (b) place any object or material in a gutter for any purpose whatsoever.
- (6) If a person without prior written permission places any object or material in a gutter or against a curb or elsewhere on a Street either to enable him to drive an animal or vehicle from the travelled portion of the Street to his own land or for any other purpose the City may:
- (a) require it be removed forthwith; or
 - (b) have the same removed at the cost of the person placing the same on the

Street which shall not relieve such person from being liable to the penalty applicable for the contravention of the provisions of Subsection 65(5) or of any other portion of this Bylaw.

(B/L 1M2000, 2000 January 24)

(B/L 38M2003, 2003 October 6)

66. (1) Unless the Sidewalk crossing is constructed pursuant to the written approval of the Traffic Engineer and the Director, Roads and of a material and dimensions and in a manner satisfactory to the Director, Roads, no person shall:
- (a) prepare or construct or commence or attempt to prepare or construct a driveway between the Roadway and his own property whether such driveway is merely excavated or built up or filled or strengthened with rock or gravel or paved with concrete, asphalt or any other preparation, or
 - (b) where a Boulevard is sown to grass or there is grass naturally growing thereon, or where a curb, gutter or Sidewalk or any of them is constructed, use the land between the Roadway and his own property as a driveway.
- (2) Unless his property fronts on a Sidewalk finished as a rolled monolithic Sidewalk or rolled curb and gutter, a person who constructs or who has constructed a driveway to connect his property with a Street other than a lane shall apply to the City to construct at the expense of the applicant the necessary depressed curb, concrete apron and Sidewalk crossing or any of them which are required to enable vehicles from the property to enter the Roadway from the applicant's property.
- (3) After a person has applied to the City as required by Subsection 66(2), the City will, upon approval of the application and receipt of a deposit in the full amount of the estimated cost, construct the depressed curb, concrete apron and Sidewalk crossing or any of them which are required to enable vehicles to cross from the property of the applicant to the Roadway. If actual cost to construct the above exceeds the deposit taken by the City, the City may charge the same to the applicant as a debt due to the City and if the applicant does not pay the expense:
- (a) collect the same by action in any Court of competent jurisdiction, or
 - (b) charge the same as taxes due and owing against the property adjoining which the depressed curb, concrete apron, and Sidewalk crossing was constructed.
- (4) Notwithstanding Subsection 66(3), the applicant may, upon approval of his application for a driveway, petition the City for the construction of the depressed curb, concrete apron, and Sidewalk crossing or any of them and have the cost of the same charged as a local improvement and amortized over a period of 15 years. Such annual levy shall include all costs associated with the construction, administration, and cost of borrowing by the City.
- (5) Notwithstanding Subsection 66(3), the applicant may, if required by the City to construct the necessary depressed curb, concrete apron, and Sidewalk crossing at an approved location, arrange for a contractor acceptable to the City. The necessary work by a private contractor shall be carried out in a reasonable time pursuant to an indemnification agreement assuring the quality and maintenance of work to be carried out on the Roadway.
- (6) Where the City provides a depressed curb in order to enable a person to have a

driveway from the Roadway to his land which adjoins the Street and where there is no Sidewalk or where there is a monolithic Sidewalk, the person for whom the depressed curb is provided shall, at his own expense, complete the driveway across the Boulevard in a manner and of materials which are satisfactory to the Director, Roads.

- (7) A person constructing a driveway to connect his property to the Roadway shall be liable to pay the City the cost of all damage occasioned to the Roadway to which the driveway is connected and to the curb, Boulevard and Sidewalk thereon, if any, between the Roadway and the property.

(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)

SIDEWALKS

67. (1) The owner or occupant of a private parcel of land adjacent to a Sidewalk or Pathway that runs in front of the property or along the side of the property where:

- (a) such Sidewalk or Pathway runs parallel to and directly adjacent to a Street; or
(b) such Sidewalk or Pathway runs parallel to and adjacent to a Street, where the Pathway or Sidewalk and Street are separated only by a grassed or otherwise covered boulevard;

shall remove ice and snow from that portion of the Sidewalk or Pathway within twenty four (24) hours after the ice or snow has been deposited.

- (2) Subsection 1 shall not apply where the Sidewalk or Pathway is separated from the rest of the parcel by:

- (a) a developer-built retaining wall;
(b) a developer-built community screening fence, having a minimum height of 1.75 metres; or
(c) a developer-built or City built sound attenuation barrier.

- (3) Where the owner or occupant of a parcel of land has not complied with Subsection 67(1), The City may remove the ice and snow, and the owner of the parcel is liable for such removal costs.

- (4) Where the owner or occupant fails to pay the expenses and costs of removal referred to in Subsection (3), such costs may be added to the tax roll of the parcel.

- (5) Where a Sidewalk or Pathway is adjacent to property belonging to an owner not residing in the City or is unoccupied or underdeveloped and an Officer deems the condition of snow or ice on the Sidewalk or Pathway adjacent to the property to pose a danger to the public, The City may remove the ice and snow. The expenses and costs of such removal may be determined and recovered from the owner of the property in the same manner as in Subsections 67(3) and 67(4).

- (6) A person may, in such a way as not to cause injury or unduly interfere with any person lawfully using the Sidewalk or Pathway, use a power driven device that is sufficiently

light and of such construction that it will not damage the surface of the Sidewalk or Pathway to move ice, snow, or other materials from any portion of a Sidewalk or Pathway.

- (7) The owner or occupant of a parcel of land adjacent to a Street may remove ice and snow from the Sidewalk or Pathway adjacent to the parcel and place it on the Roadway or Boulevard of a Street but shall not remove any ice or snow from the rest of the parcel and place it on the Roadway or Boulevard of a Street.
- (B/L 32M89, 1989 November 6)
(B/L 7M99, 1999 March 22)
(B/L 1M2000, 2000 January 24)
(B/L 23M2003, 2004 January 12)
68. (1) Where a Boulevard or any portion thereof is sown to grass or where there is grass naturally growing thereon, the occupant of land which the Boulevard is adjacent to shall cut such grass at such regular intervals as are necessary to keep the Boulevard in a tidy and attractive condition. The occupant shall control weeds in the Boulevard in accordance with the Weeds Control Act 1979 (Alberta) and the Weeds, Grasses and Plants Bylaw No. 30M80.
- (2) Where the occupant of land who is required by Subsection 68(1) to cut grass on a boulevard neglects or refuses to cut such grass, the City may give notice to him to cut the grass or have the grass cut within a reasonable time and in any case within one week of the mailing of the notice and such notice shall advise the person to whom it is addressed that the City may have the grass cut at his expense.
- (3) If the occupant of the property is not the registered owner thereof or the purchaser under an Agreement of Sale, the City shall also cause a copy of the notice to be sent to the owner thereof at his address as it appears in the Property Tax Roll of the City.
- (4) If the grass is not cut satisfactorily within the time limit in the notice given pursuant to Subsection 68(2), the City may have the grass cut and may charge the cost of the work done against the adjacent property as taxes due and owing and collect it as such.
- (5) No owner or occupant of private property adjacent to a Street shall plant any trees, plants, or shrubbery of any nature on the Boulevard without first obtaining a line assignment and excavation permit from the Director, Roads.
- (6) The owner or occupant of any private property adjacent to a street or walkway, shall not allow any hedge, shrub or tree which may overhang from such property to interfere with pedestrian or vehicular traffic lawfully using such street or walkway.
- (7) Where the owner, occupant, or both have been duly served with a notice by an Enforcement Officer to remove any such overhanging material as mentioned in Subsection 68(6) and fails to comply with that notice, then Work Forces may remove such overhanging materials and the cost of the work performed will be charged against the property concerned as taxes due and owing in respect of that property.
- (B/L 32M89, 1989 November 6)
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)
69. (1) REPEALED BY B/L 26M98, 1998 SEPTEMBER 15
- (2) The owner or occupant of any private property adjacent to a street, shall prevent any

ice build-up on any building on such private property from falling onto any portion of a street.

(B/L 32M89, 1989 November 6)

70. REPEALED BY B/L 26M98, 1998 SEPTEMBER 15

(B/L 32M89, 1989 November 6)

ERECTION OF BLEACHERS

70.1 (1) No person shall erect Bleachers on City lands without first obtaining a permit to do so from the Traffic Engineer.

(2) The Traffic Engineer may permit the erection of Bleachers on such terms and conditions he deems appropriate.

(B/L 34M95, 1995 April 3)

PARADES

71 - 80. REPEALED BY B/L 42M93, 1993 JULY 26

PARKING OF VEHICLES ON STREETS

81. (1) Except as otherwise provided, if for any reason a motor vehicle whether legally parked or not, is impeding Work Forces in carrying out scheduled duties or emergency duties, they may request to have such vehicle towed to an adjacent area.

(2) The towing firm holding the current City contract shall be authorized by an Enforcement Officer to remove any such vehicle mentioned in Subsection 81(1) and the costs of same shall be borne by the City department requesting such action.

SHOPPING CARTS

82. (1) In this section "shopping cart" means a four-wheeled device or other device commonly known as a shopping cart belonging to the owner or proprietor of a retail grocery store or other retail shop and kept by such owner for the use of its customers.

(2) All retail outlets or stores of any nature within the City that provide shopping carts:

(a) shall not permit a person to remove such shopping cart from the legal boundaries of the parking lot or the property where such retail outlet or store is located, and

(b) shall have the name of such retail outlet or store displayed on each shopping cart for identification purposes.

(3) (a) No person shall abandon a shopping cart on any portion of a Street.

(b) No person shall remove a shopping cart from the parking area adjacent to such store or shop owning such shopping cart.

(c) Nothing in Section 82 prevents the removal of shopping carts from such

locations for repair, maintenance, or replacement by the owner.

- (4) (a) Where a shopping cart has been abandoned on any part of a Street, an Enforcement Officer may take possession of the shopping cart and may cause it to be impounded by the City in the place the City may designate for this purpose.
- (b) Where a shopping cart has been impounded by the City and its ownership can be determined, the City may, but is not obliged, to advise the owner that it has possession of the shopping cart.
- (c) Upon receipt of notification that a shopping cart belonging to him is impounded by the City, the owner of the shopping cart, or designated representative, shall forthwith:
 - (i) pay an impoundment fee to the City in the amount shown in Schedule 'A', for the cost of removing and impounding the shopping cart, and
 - (ii) furnish the person in charge of the place where the shopping cart is impounded with adequate proof of ownership of the shopping cart.
- (d) If the shopping cart is not claimed within a period of 60 days from the date of impoundment, the City may dispose of the shopping cart in a manner that it deems appropriate.

ADVERTISING MATTER

- 83. (1) Except as otherwise provided in this Bylaw, no person shall dispose of advertising material in a Street.
- (2) REPEALED BY B/L 29M97, 1997 JULY 28;
- (3) REPEALED BY B/L 5M2004, 2004 MAY 1.

MISCELLANEOUS

- 84. Any person doing business as a window washer shall as a condition for using airspace over a Street, furnish to the City an insurance policy saving the City harmless against loss, or damage of any kind which may result from window cleaning activities. The policy shall be in a form satisfactory to the City Solicitor as to content and amount.
- 85. (1) The owner or occupant of premises adjacent to a Street shall not construct or maintain a gate or door so placed that it will obstruct the free use of any portion of a Street.
- (2) The owner or occupant of premises adjacent to a Street shall not allow any object to project into any portion of a Street except as provided for in this Bylaw.
- (3) The owner or occupant of premises adjacent to the Sidewalk may provide a Receptacle but the Receptacle shall be no closer than THREE (3) METERS from the entrance or exit to the premises and the owner or occupant shall ensure that the Receptacle is placed in such a manner so as not to obstruct or interfere with persons using the Sidewalk for normal purposes and shall maintain the Receptacle so as not to allow Litter to accumulate on the Sidewalk.

- (4) The size, appearance and location of a Receptacle are subject to the approval of the Traffic Engineer and are placed at the sole risk, responsibility and expense of the owner.

(B/L 32M89, 1989 November 6)
(B/L 40M2007, 2007 July 23)

86. A person shall not operate on a Street any tractor, or machinery of any kind equipped with lugs, cleats, or tracks which may damage in any way the surface of the Street.

87. (1) The owner of property which slopes at an angle greater than 2 horizontal to 1 vertical and is adjacent to a Street shall construct a retaining wall acceptable to the City to prevent any rocks, earth, or other material from being deposited onto any portion of the Street.

(2) No portion of any such structure erected, pursuant to Subsection 87(1) may encroach into the Street without written authorization by the Director, Roads.

(B/L 32M89, 1989 November 6)
(B/L 1M2000, 2000 January 24)
(B/L 38M2003, 2003 October 6)

PENALTIES

87.1 Where a Bylaw Enforcement Officer who is also a designated officer believes a person has contravened any provision of this Bylaw, he may:

- (a) issue to the person an order in accordance with the Municipal Government Act, S.A. 1994, c. M-26 to remedy the infraction;
- (b) issue to the person a violation ticket in accordance with the Provincial Offences Procedures Act, 1988, c. P-21; or
- (c) do both (a) and (b).

(B/L 57M2001, 2001 December 17)

87.2 If the person to whom an order has been issued pursuant to section 87.1 fails to comply with the order within the time specified in the order:

- (a) that person commits an offence under this section and a Bylaw Enforcement Officer may issue a violation ticket pursuant the Provincial Offences Procedures Act, 1988, c. P-21; and
- (b) The City may take whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes a debt owing to The City by the person to whom the order was issued in accordance with the Municipal Government Act, S.A. 1994, c. M-26.1.

(B/L 57M2001, 2001 December 17)

87.3 (a) Without restricting the generality of the foregoing, the City may remove any Materials from a street.

(b) Items deemed to be of value shall be stored by The City in a place of safekeeping.

(c) The cost of removing and storing Materials shall be a debt owing to The City by the owner of the Materials.

- (d) If the stored Materials are not claimed within 30 days, they will be sold at public auction and The City will apply any monies received to the debt due to The City pursuant to this section.

(B/L 57M2001, 2001 December 17)

88. (1) Notices issued under the provisions of this Bylaw shall be served by an Enforcement Officer of the City.
- (2) A person contravening any provision of this Bylaw shall, upon summary conviction before a Court of competent jurisdiction, be liable to a fine of not more than TEN THOUSAND (\$10,000.00) DOLLARS or in the event of non-payment of the fine, imprisonment for a period not exceeding NINETY (90) DAYS unless such fine is sooner paid.
- (3) Whenever an Enforcement Officer has reason to believe a person has contravened any provisions of this Bylaw as listed in the Schedules 'B', 'C', and 'D' the Enforcement Officer may issue a City of Calgary Tag or Provincial Violation Ticket for each offence.
- (4) Notwithstanding Subsection 88(1) and 88(2) the imposition of a fine either by issuance of a City of Calgary Tag, Provincial Violation Ticket or Summary Conviction in a court of competent jurisdiction shall not relieve any person so fined from any liability to pay to the City any expenses arising from any damage caused by that person to City property.
- (5) The imposition of a fine either by issuance of a City of Calgary Tag, Provincial Violation Ticket, or Summary Conviction in a court of competent jurisdiction, shall not relieve the person so fined of any costs incurred in having Work Forces perform such work where authorized by this Bylaw.
- (6) Sections of this Bylaw subject to the issuance of a City of Calgary Tag are listed in Schedule 'B' attached to this Bylaw. Sections for which a Provincial Violation Ticket will be issued are listed with the penalty on Schedule 'C' attached to the Bylaw. Court appearances will be required for Sections of the Bylaw referred to in Schedule 'D'.

(45M2006, 2006 September 11)

(B/L 40M2007, 2007 July 23)

REPEAL OF EXISTING BYLAWS

89. Bylaw Number 9022 is hereby repealed.

90. This Bylaw shall come into effect on the date it receives third reading.

READ A FIRST TIME THIS 17th DAY OF OCTOBER, 1988.

READ A SECOND TIME, AS AMENDED, THIS 17th DAY OF OCTOBER, 1988.

READ A THIRD TIME, AS AMENDED, THIS 17th DAY OF OCTOBER, 1988.

(Sgd.) R. Klein
MAYOR

(Sgd.) J.E. Woodward
CITY CLERK

SCHEDULE "A"

(Amended By B/L 32M89, 12M93, 18M98, 7M99, 52M2005, 45M2006, 31M2008, 42M2008)

The following fees shall be paid to the City in accordance with the provisions of this Bylaw. The fee payable shall be that as set out opposite the Section number.

<u>SECTION</u>		<u>FEE</u>
20(1)(b)	Daily charge for permit	\$17.50/day
21(1)(b)	DELETED BY B/L 42M2008, 2008 SEPTEMBER 08	
26(a)	Fee for use of a portion of sidewalk/ boulevard	\$23.00/lin m/month
26(b)	Fee for use of a portion of Street	
	Minor street	\$23.00/lin m/month
	or	or
	Major street	\$46.00/lin m/month
27	Fee for use of an additional portion of sidewalk/boulevard	\$4.50/sq m/month
28	Fee for use of an additional portion of Street	
	Minor street	\$9.50/sq m/month
	or	or
	Major street	\$18.50/sq m/month
29(a)	Daily fee for hooding of meters	\$30.00/meter/day for meters priced \$3.00/hour or more
		\$20.00/meter/day for meters priced between \$1.50 and \$3.00/hour or more
		\$10.00/meter/day for meters priced less than \$1.50/hour
29(b)	Flat rate for hooding of meters	\$20.00/meter
56.1(2)	Encroachment Fee (licence of occupation)	The application/licence fee as established by City Council resolution from time to time
67(2) & 67(3)	REPEALED BY B/L 7M99, 1999 MARCH 22	
82(4) (c) (i)	Impoundment of Shopping Cart	\$25.00

SCHEDULE "A" continued

NOTE:

Major Street fees apply within a driving lane on any expressway, freeway, major street, supporting road or secondary route as defined by the latest edition of The City of Calgary Roadway Classifications and Roadway Descriptors Map.

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SCHEDULE "B"

(Amended by Bylaw number 57M2001, 45M2006)

City of Calgary Tags issued for violations under Schedule "B" will be a minimum of \$30.00.

If paid within 15 days the penalty will be reduced by \$10.00 No reduction in the penalty will be given after 15 days from the date of issuance.

**CITY OF CALGARY
TAGS**

PENALTY

Section 16	REPEALED BY B/L 57M2001, 2001 DECEMBER 17	
Section 64	Illegal placement of Signs	\$30.00

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SCHEDULE "C"

(Amended by Bylaw Numbers 54M88, 32M89, 34M95, 57M2001, 7M2004, 45M2006, 16M2007, 31M2008, 39M2008)

Violations listed in Schedule "C" are subject to the following listed specified penalties.

<u>VIOLATION TICKETS</u>		<u>PENALTY</u>
Section 3	Unauthorized soliciting and selling of merchandise by stopping or restricting pedestrians	\$ 100.00
Section 5	Carrying on of an unauthorized Business, Trade or Occupation on a Street	\$ 200.00
Section 4	Exhibit or display of merchandise for sale on Street	\$ 100.00
Section 4.1	Offering goods or services from Roadway	\$ 100.00
Section 6(4)	Unauthorized placement of vending boxes	\$ 100.00
Section 17(1)(a)	Litter	\$ 500.00
Section 17(1)(b)	Litter from a Vehicle	\$ 750.00
Section 17(1)(c)	Dispose of burning Litter	\$ 1000.00
Section 17(3)	Electrical Cord, Hose, Chain on Street	\$ 250.00
Section 17(4)	Unauthorized Material on Street	\$ 500.00
Section 18	Allow material to enter Street (landowner)	\$ 250.00
Section 18.1	Allow Material to enter Street (person)	\$ 250.00
Section 19	Tracking mud onto Street	\$ 250.00
Section 20(1)	Use of Street without permit	\$ 500.00
Section 20(2)	Fail to comply with permit conditions	\$1,000.00
Section 20(3)(a)	Fail to erect or maintain enclosure	\$ 500.00
Section 20(3)(b)	Fail to post warning sign/fail to maintain pedestrian movement	\$1,000.00
Section 20(4)	Fail to place/remove temporary traffic control	\$ 500.00
Section 20(5)	Parking of vehicles in storage area	\$ 500.00

Bylaw Number 20M88

Section 20(6)	Fail to ensure access to hydrant/valve	\$1,500.00
Section 21	Fail to maintain Tree Protection Barrier/fail to follow Tree Protection Plan	\$ 500.00
Section 22	Block vision of pedestrian signal or traffic control device	\$ 500.00
Section 25(a)	Unauthorized building materials on Street	\$ 500.00
Section 25(b)	Unauthorized parking of structure on Street	\$ 500.00
Section 25(c)	Unauthorized loading/unloading on Street	\$1,500.00
Section 25(d)	Leave garbage container greater than 2m on Street	\$ 250.00
Section 25(e)	Unauthorized use of Boulevard as access for vehicle/machinery	\$ 500.00
Section 69	Water from eavestrough directed onto Street	\$ 50.00
Section 70.1	Erection of bleachers without a Permit	\$ 100.00
Section 86	Tractors or machinery with cleats	\$ 50.00
Section 87.2	Failure to comply with an Order	\$1,000.00

SCHEDULE "D"

(Amended by Bylaw Number 45M2006)

Offences listed in Schedule "D" are subject upon conviction in a court of competent jurisdiction to a maximum fine of not more than \$10,000.00 or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety days unless such fine is sooner paid.

COURT APPEARANCE

Section 7	Sidewalk Cafes
Section 8	Convey a firearm, pellet gun, B.B. gun, air gun or gas operated gun within City
Section 9	Discharge of firearm, pellet gun, B.B. gun, air gun or gas operated gun within City
Section 10	Shoot an arrow from a bow
Section 11	Discharge a slingshot, bolero or similar device
Section 12	Fly model airplane on street
Section 13	Tamper, damage or interfere with life saving device
Section 14(1)	Drop object from highrise
Section 14(2)	Throw object
Section 16	Tamper with manhole cover
Section 32	Damage to shrubbery, boulevard, sidewalk and gutter
Section 34	Overhead crane movement over street
Section 35	Alteration of street grade
Section 37	Excavate street surface

SCHEDULE

FORM "A"

REPEALED BY B/L 57M2001, 2001 DECEMBER 17

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SCHEDULE

FORM "B"

REPEALED BY B/L 42M93, 1993 JULY 26

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