

**THE CORPORATION OF THE CITY OF VERNON**

**BYLAW 6038**

**A bylaw to amend Traffic Bylaw 5600**

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WHEREAS the Council of the Corporation of the City of Vernon has determined to amend the City of Vernon Traffic Bylaw 5600;

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

1. This bylaw maybe cited as “**Traffic Amendment Bylaw 6038, 2025**”.
2. That “Schedule C – Road Usage Permit Requirements” of Traffic Bylaw 5600, 2018 be amended as shown in **red** on attached Schedule ‘A’, attached to and forming part of this bylaw;
3. Traffic Bylaw 5600 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this	12 <sup>th</sup> day of May, 2025
READ A SECOND TIME this	12 <sup>th</sup> day of May, 2025
READ A THIRD TIME this	12 <sup>th</sup> day of May, 2025
ADOPTED this	day of, 2025

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Mayor

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Corporate Officer

**SCHEDULE 'A'**

**Attached to and Forming Part of "Traffic Amendment Bylaw 6038, 2025"**

**Schedule C: ROAD USAGE PERMIT REQUIREMENTS**

**Issuance of permit**

- C.1. A Road Usage Permit may be issued by the Engineer, as outlined in this Bylaw.

**Application for Permit**

- C.2. A Road Usage Permit must be applied for in writing at least five working days prior to the start of the work or activity requiring the permit.
- C.3. An expedited application may be considered where emergency works are required, as verified by the Engineer. The applicant shall notify the City and apply for the applicable permit immediately upon the commencement of normal business hours on the next working day.

**Purpose, Date, and Time of Permit**

- C.4. A Road Usage Permit is valid only for the applied for purpose, date(s), and time(s) indicated on the permit. Any alterations or additions must be applied for; additional fees may apply. The permission granted shall not be construed as granting any further or ongoing rights, title or interest over the land.

**Standard of Work or Activities**

- C.5. All construction, maintenance or other work or activities done pursuant to a Road Usage Permit shall be performed to the standards of all applicable City bylaws, as well as all applicable provincial and federal statutes and regulations.

**City Access to Work Site**

- C.6. The City shall have free access to the site of any work or activity covered by a Road Usage Permit for the purpose of inspection and ascertaining compliance with this Bylaw and other City bylaws.

## **Ownership of Complete Works**

- C.7. Works, surface or underground, carried out in, on or through any City lands, except the works of any private or public utility company, shall become the property of the City upon completion, and shall not be further added to, modified, destroyed or removed without obtaining a further permit from the City. Notwithstanding the foregoing, any proposed private works installed within a Highway must be authorized by the Engineer.

## **Cancellation of Permit**

- C.8. Any failure to comply with the terms of a Road Usage Permit shall be cause for cancellation of the permit by the Engineer.

## **Accommodation of Traffic**

- C.9. The permittee shall provide safe routing for all traffic including all Active Transportation, Public Transit Buses, and Vehicles. ~~The permittee's Traffic Control Plan shall provide for, at all times, adequate separation between Traffic and work area hazards, active or inactive (including but not limited to construction equipment, excavations and construction material), by means of delineation, barricades or fencing etc. or other acceptable means where overhead hazards are present.~~

## **Accommodation of Active Transportation:**

- C.10. Where an Active Transportation Corridor adjacent to the works or activity is infringed upon, the permittee shall provide and maintain a safe alternate Active Transportation Corridor adjacent to the works or activity. Where an Active Transportation Corridor cannot be provided adjacent to the works or activity, the permittee shall provide and pay all expenses associated with the provision of a safe Active Transportation detour route, which may require temporary crossings and/or Traffic Control Persons to direct Active Transportation users to existing, undisturbed Active Transportation Corridors.
- C.11. Temporary Pedestrian Facilities provided adjacent to the works or activity must be at least 1.2 metres in width. Smooth ramp(s) must be provided to allow safe movements on and off the temporary Pedestrian Facility where applicable.
- C.12. Temporary Bicycle Facilities adjacent to the works or activity must be at least 1.5 metres in width. In some cases where space is limited, and subject to approval

from the Engineer, cyclists and/or Small Wheeled Transport may be merged with Vehicle Traffic.

### **Accommodation of Public Transit Buses**

- C.13. Where a Public Transit Bus route adjacent to the works or activity is impacted, the permittee shall work with the local transit operator to provide and maintain safe alternate Public Transit Bus routing and temporary Public Transit Bus stops.

### **Accommodation of Vehicle Traffic**

- C.14. On Arterial Roads or Collector Roads the permittee shall, at all times, provide a minimum of one free travel lane of a width of not less than 3.0 metres, unless a full road closure has been approved by the Engineer. The permittee's Traffic Control Person(s) shall monitor Traffic queues, and maintain Traffic flow to prevent delay to Emergency Vehicles.

### **Length of Trench**

- C.15. Trench dimensions shall be per safety and design requirements, and shall be restored to within 100mm (or less) of adjacent road surface level in any Highway when the trench is not needed for work activities.

### **Detection of Utilities**

- C.16. The location of all utilities (including, but not limited to, water, sewer, gas, electrical, communication, telephone and television cable) shall be identified sufficiently ahead of excavation work so as to enable appropriate measures to be taken, including re-location if necessary, to avoid damage to those utilities or damage or injury to any person or property.

### **Re-location of Utilities**

- C.17. The permittee shall not interfere with any existing utility without the written consent of the Engineer and the Owner of the utility. If re-location of a utility is necessary in order to perform the works or activity permitted, the permittee is required to cease and backfill all works until such time as they have obtained a valid approval from the utility owner and the City for relocation of the utility. Relocation of utilities shall be the sole responsibility, and at the sole cost of, the permittee.

## **Protection of Utilities**

- C.18. The permittee shall support and protect all pipes, conduits, poles, wires, appurtenances or other utility apparatus which may be in any way affected by the works or activity permitted.

## **Damage to Utilities**

- C.19. Any damage to any pipes, conduits, poles, wires, appurtenances or other utility apparatus caused either directly or indirectly as a result of any work or activity covered by the applicable Road Usage Permit, shall be repaired at the expense of the permittee. Repair by the permittee is only permitted where the utility owner has approved this in writing. Any damage or injury that may occur to any person or property, which is caused either directly or indirectly as a result of such utility damage, shall also be the responsibility of the permittee.

## **Preservation of Survey Monuments**

- C.20. Monuments of concrete, iron, or other lasting material set for the purpose of locating, surveying or establishing legal boundaries, lines of any Highway, property, subdivision, or precise survey reference point, or a permanent survey bench mark, shall not be removed or disturbed without the prior permission of the Engineer. All costs or expenses incidental to the proper replacement of such monument or survey bench mark shall be the responsibility of the permittee.

## **Surface Drainage:**

- C.21. The permittee shall ensure that any interference with adequate drainage of any Highway or other City property, which is caused either directly or indirectly as a result of any work or activity covered by the applicable Road Usage Permit, is remedied by alternate drainage provisions. The alternate drainage provisions shall meet all City standards and requirements including minimizing the potential for erosion and clean-up of any sedimentation at the permittee's expense.
- C.22. Gutters shall be maintained free and unobstructed, including free from any Rubbish, earth, rock, sediment or other debris, to the full depth of the adjacent curb and for at least 300 millimeters from the face of the Curb.

## **Accesses**

- C.23. Entry/exit to Accesses, Laneways, and loading areas shall be provided at all times during the undertaking of any work or activity covered by a Road Usage Permit, unless safety concerns make such access impractical and the permittee has received written approval from impacted property Owners, and submitted these written approvals to the Engineer. Prior to any necessary closure of an Access, Laneway, or loading area, the residents or occupants affected by such closure shall be notified by the permittee and given an opportunity to move Vehicles from the area.
- C.24. The permittee must coordinate access for other service providers including garbage and recycling. In the event that access to individual properties is restricted, it will be the sole responsibility, and at the sole cost of, the permittee to collect garbage and recycling, and deposit the collected refuse/recyclables at a location that is acceptable to the service providers.

## **Protection of Lawns, Boulevards, Trees or other Landscaping**

- C.25. Where any disturbance of a Boulevard, lawn or other landscaping occurs as part of the works or activities, either implicitly or explicitly, care shall be taken to preserve such landscaping while the work or activity permitted is underway. A protection zone must be installed around trees at the drip line to prevent compaction in the root zone and equipment damage to the tree above ground. Any lawns disturbed shall be cut and rolled and replaced after the work or activity is complete, and the area shall be returned to, as near as possible, the condition that existed before the work or activity began.
- C.26. Where any trees or shrubs are required to be removed or relocated, either temporarily or permanently, consent of the City (if on private property consent of the Owner of the real property on which they are located) must first be obtained. When excavating within the drip line of a tree the permittee must ensure that no roots or branches are cut or damaged without authorization from the Engineer prior to work starting. No digging within the drip line of a tree will be permitted without authorization from the Engineer. Approval for excavation within a tree's drip line may require specialized techniques and equipment such as low pressure hydrovac and will be reviewed on a case by case basis.
- C.27. If it is found that tree roots or branches have been damaged, work will immediately be stopped until such time as the Engineer assesses the damage and provides direction for action to be taken by the permittee.

- C.28. The permittee will be responsible for all costs to remediate the damage up to and including tree replacement value if deemed necessary by the Engineer.

### Care of Material

- C.29. All material associated with a Road Usage Permit shall be placed, maintained and stabilized in such a manner as not to spread or disperse so as to become hazardous to human health, human safety, or the environment, and so that as little inconvenience as possible is caused to those using the Highway and any adjoining real property.

### Routing of Traffic, **Traffic Control Plans & Traffic Control Devices**

- C.30. An application for a Road Usage Permit must contain a description of the measures that will be used to ~~ensure minimal~~ **reduce** impact to Traffic at all times during the undertaking of any work or activity covered by a Road Usage Permit and that all measures comply with the Ministry of Transportation and Infrastructure's Traffic Control Manual for Work on Roadways, as amended or replaced.
- C.31. Prior to the issuance of a Road Usage Permit the applicant for the permit shall provide the Engineer with a Traffic Control Plan ~~detailing the measures that shall be taken to ensure the least disruption of Traffic~~. Traffic Control Plans must be prepared by an engineer or qualified Traffic Control Person. The Engineer reserves the right to request a Traffic Control Plan signed and sealed by a professional engineer. **The Traffic Control Plan must:**
- a. **To the extent practicable, eliminate workers' exposure to traffic in a work zone, or, if elimination is not possible, prevent or minimize workers' exposure to hazards through other controls, such as engineering controls (e.g. barriers or traffic control devices) and administrative controls (e.g. reducing the number of workers exposed to traffic or scheduling work in off-peak hours), in the order of effectiveness;**
  - b. **Only use traffic control persons after other traffic control measures have been considered and determined to be insufficient to manage traffic;**
  - c. **Set out measures that shall be taken to reduce disruption of Traffic; and**

- d. Provide for, at all times, adequate separation between Traffic and work area hazards, active or inactive (including but not limited to construction equipment, excavations and construction material), by means of delineation, barricades or fencing etc. or other acceptable means where overhead hazards are present.

C.32. The necessity of any complete closure of a Highway required pursuant to a Road Usage Permit, and any resulting detour, must be demonstrated to the Engineer and specifically provided for in the permit. At least three days in advance of the anticipated closure, and until the Highway affected is reopened, the permittee shall post signs to notify the public of the closure, the length of time of the closure, and the detour route.

### **~~Traffic Control Plans & Traffic Control Devices~~**

C.33. The use and placement of any Traffic Control Devices shall be in accordance with all the specific terms of the Road Usage Permit and shall be in accordance with the Ministry of Transportation and Infrastructure's Traffic Control Manual for Work on Roadways, as amended or replaced, and the Transportation Association of Canada's Manual of Uniform Traffic Control Devices for Canada, as amended or replaced.

~~The Traffic Control Plan shall be developed based on the risk assessment and shall be in accordance with the Ministry of Transportation and Infrastructure's Traffic Control Manual for Work on Roadways, as amended or replaced, and the all WorkSafeBC regulations, as amended or replaced.~~

### **Breaking Through Surface**

C.34. Approved cutting of bituminous pavement surface ahead of excavations shall be required in order to confine pavement damage to the limits of the trench.

C.35. Cuts of pavement or Sidewalk shall be made neatly along limits of proposed excavation at offsets, locations or configuration as accepted by the Engineer in order that surface may break evenly and cleanly and not result in increased future maintenance requirements for the City. Location of pavement cuts must be approved by the Engineer and may be required to follow the centerline of the Roadway, lane lines, or other locations required to improve drivability. Pavement cuts running perpendicular to Roadway centreline are required to form a diamond shape at 30 degrees from centreline.

C.36. Sections of Sidewalks and Curbs being removed shall be removed to the nearest expansion joint.



- C.37. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.
- C.38. Pavement edges shall be trimmed to a vertical face and shall be neatly aligned with the centreline of the trench except when perpendicular to the Roadway centerline.
- C.39. Damage to a Highway existing prior to any work or activity covered by a Road Usage Permit shall be repaired at the sole cost of the permittee where that work or activity results in unstable floating sections of pavement.
- C.40. Longitudinal trenches must be a minimum of 1.45m in width and final restoration must match existing surface treatment as near as possible utilizing approved construction methods. If the trench extends into the wheel path the trench width must be extended to the centre of that lane. If a longitudinal trench is within a bike lane the trench edge must extend to the outer edge of the bike lane.

### **Trench Safety**

- C.41. All trench and tunnel excavations and construction shall conform to all applicable regulatory requirements.

### **Hours of Work**

- C.42. All work or activity covered by a Road Usage Permit shall be performed between the hours of 7:00 a.m. and 9:00 p.m. inclusive, except in the case of an emergency where the safety or convenience of the public requires that the work or activity be completed outside of these hours.
  - a. Arterial Roads, Collector Roads, and 30th Avenue (between 37th Street and 27th Street) must not be closed or reduced during peak times (7:00 a.m.- 9:00 a.m. and 3:00 p.m. - 5:30 p.m.) without approval from the Engineer.
  - b. After hours, non-emergency work including all night activity cannot take place without approval from the Engineer.

### **Prime Contractor's Parking**

- C.43. The area required for the Road Usage Permit shall not be used for the parking of the Prime Contractor's and sub-contractors' personal Vehicles.

### **Possible Restrictions**

- C.44. In order to prevent damage or injury to any person or property, or to mitigate conditions likely to create a nuisance, the following conditions may be placed on the Road Usage Permit:
- a. Limitations of the period of the year during which the work or activities covered by the permit may be undertaken;
  - b. Limitations as to the size and type of equipment to be used;
  - c. Designation of routes upon which materials may be transported to or from the site;
  - d. Limitations as to the place or manner of disposal of excavated material;
  - e. Requirements as to dust control, cleaning of Highways, and prevention of noise; and,
  - f. Limitations as to the storage of construction material.

### **Backfill**

- C.45. All backfilling material shall be as per the Master Municipal Construction Documents (MMCD) and City specifications.

### **Restoration of Surface**

- C.46. The restoration and permanent resurfacing of any Highway excavated pursuant to a Road Usage Permit shall be completed according to the Master Municipal Construction Documents (MMCD) specifications and the following schedule:

- a. Arterial Roads – immediately following backfill of the trench. Longitudinal trenches must be brought flush to adjacent pavement at the end of any work day;
  - b. Collector Roads – within 24 hours of backfilling the trench, cold mix asphalt may only remain in place for a maximum of 7 days. Longitudinal trenches must be brought to within 50mm of adjacent pavement at the end of any work day; and
  - c. Laneways and Local Roads – within 72 hours of backfilling the trench.
- C.47. In the event that the necessary materials are not available such that the restoration and permanent resurfacing cannot be completed according to the above schedule, the Engineer shall be notified immediately. If the restoration falls between the dates of November 1 and March 31, or a date approved by the Engineer, temporary resurfacing shall be completed within the same schedule, to the following standards:
- a. All materials used in temporary resurfacing shall be compacted and shall conform closely enough to the level of adjoining paving material such that the Highway is sufficiently smooth to enable traffic to travel safely.
  - b. Temporary resurfacing shall provide a top minimum surface of approximately 50 millimetres of bituminous material, commonly known as cold mix asphalt.
  - c. Temporary resurfacing done between November 1 to March 31 can be completed by the permittee as per the Master Municipal Construction Documents (MMCD) and City specifications and will be reviewed after March 31 to determine if the restoration will be classed as permanent with no additional work required.
  - d. Temporary resurfacing done between November 1 to March 31 may be completed by the City of Vernon at the request of the permittee by way of a third party work order (subject to acceptance by the City), at the cost of the permittee. Work will be completed as per the Master Municipal Construction documents (MMCD) and City specifications and will be reviewed after March 31, or another date approved by the Engineer, to determine if the restoration will be classed as permanent with no additional work required.

- e. The temporary resurfacing shall be maintained by the permittee in a safe condition until the restoration and permanent resurfacing has been completed OR temporary resurfacing that is completed between November 1 and March 31 will be maintained by the City of Vernon by way of a third party work order that MUST be completed by the permittee.
- f. Appropriate traffic control devices shall be placed in order to guide traffic until the restoration and permanent resurfacing has been completed.

### **Surface Restoration Specifications**

- C.48. Subgrade – subgrades shall be restored to that existing prior to the work or activity covered by the Road Usage Permit.
- C.49. Paving Replacement - Portland cement concrete used in the repair of trenches in a Highway, except where otherwise regulated in this schedule, shall be poured to a thickness equivalent to that removed, or to a thickness of 12.7 centimetres (5 inches), whichever is greater, and shall be finished to match the texture of the adjoining pavement. Bituminous pavement shall be replaced to a thickness equivalent to that removed.
- C.50. Sidewalks – Portland cement concrete sidewalks shall be poured according to City bylaw requirements.
- C.51. Expansion Joints – Expansion and control joints in Portland cement patches shall be matched to those in the adjoining sidewalk or pavement.
- C.52. Concrete and Asphalt Materials – handling, placement, curing and protection of concrete and asphalt used in surface restoration shall be in accordance with all applicable City standards and requirements for new construction.
- C.53. Seal Coats – seal coating shall be required on restored sections of bituminous paving where the adjoining pavement has been recently seal-coated.

### **Failure to Restore the Site**

- C.54. In the event that a permittee fails to restore a site in accordance with this Bylaw, the City may undertake to have the required work done and the permittee shall be responsible for all costs of such work.

### **Anticipated Damage to Greater than 15% of Adjacent Pavement**

- C.55. Where pavement, adjacent to any area for which application for a Road Usage Permit has been made, is reasonably expected to be affected such that an area greater than 15% of the total pavement surfacing in any block will be damaged, the permittee shall be required to contribute to the cost of repaving the adjacent area. The amount to be contributed shall be determined and agreed to by the City prior to issuance of the Road Usage Permit.

### **Completion of Works and Activities**

- C.56. Upon completion of all permitted works or activity, including all restoration work, the permittee shall notify the Engineer. Completed works may be inspected by the City and confirmed as acceptable with any deficiencies noted and remedied by the permittee as soon as possible. Works may be further inspected one year after the date of acceptance by the City to ensure no additional settlement has occurred or any other deficiencies related to the works have occurred which the permittee is to repair.
- C.57. If any ground settlement has occurred by the time of the Engineer's inspection, the City shall correct, or cause to be corrected, such settlement. The cost of any correction shall be the sole responsibility of the permittee, unless the permittee provides sufficient proof that the settlement was not due to defective completion of the permitted works or activities, or defective or insufficient backfilling or restoration of the area.

### **Care of Construction Materials**

- C.58. All construction staging or storage area covered by a Road Usage Permit shall be placed, maintained and protected in such a manner as not to become hazardous to human health, human safety or the environment, and that as little inconvenience as possible is caused to those using the Highway and any adjoining real property.

### **Prime Contractor Designation**

- C.59. By signing the Road Usage Permit application, the permittee(s) accepts the roles and responsibilities of the Prime Contractor as outlined under the Workers Compensation Act. As Prime Contractor, the permittee is Workers Compensation Act-118 and are responsible for all aspects of the work as per all City of Vernon

bylaws, Ministry of Transportation and Infrastructure Manuals and as outlined under the Workers Compensation Act, associated regulations, and the guidelines of ~~per~~ WorkSafeBC.