



City of Prince Rupert

**Traffic Bylaw No. 2470, 1983**

**(With Amendments to December 13, 2004)**

**Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

## CITY OF PRINCE RUPERT

### BYLAW NO. 2470

#### A BYLAW OF THE CITY OF PRINCE RUPERT TO REGULATE TRAFFIC AND THE USE OF HIGHWAYS WITHIN THE BOUNDARIES OF THE CITY OF PRINCE RUPERT

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**WHEREAS** pursuant to Section 120 of the Motor Vehicle Act and Sections 581 - 584 inclusive and 579 of the Municipal Act the Council is authorized to regulate traffic and the use of highways within the Municipality.

**NOW THEREFORE** the Municipal Council of the City of Prince Rupert in open meeting assembled, enacts as follows:

#### **PART I - SHORT TITLE**

1.01 This Bylaw may be cited for all purposes as “**City of Prince Rupert Traffic Bylaw No. 2470, 1983**”.

#### **PART II - INTERPRETATION**

2.01 In this Bylaw, unless the context otherwise requires:

- a) “**angle parking**” means the parking of a vehicle other than parallel to a curb or lateral lines of the roadway,
- b) “**arterial highway**” means a highway classified as such pursuant to the Highway Act,
- c) “**boulevard**” means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks and ditches,

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- d) “**Bylaw Officer**” means the person appointed by resolution of the Council as such from time to time, and includes a Traffic Control Officer, Bylaw Enforcement Officer, or Bylaw Compliance Officer,
- e) “**chief of police**” means the senior resident member of the Royal Canadian Mounted Police responsible for the policing of the Municipality,
- f) “**clerk**” means the Municipal Clerk for the City of Prince Rupert,

- g) **“combination of vehicles”** means a combination of motor vehicle and trailer, or motor vehicle and trailers,
  - h) **“commercial vehicle”** means any vehicle used by any person upon any highway in the City of Prince Rupert which is a commercial vehicle defined as such by and licenced under the Commercial Transport Act, and any vehicle not so licenced but which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of business undertaking,
  - i) **“Council”** means the Council of the City of Prince Rupert,
  - j) **“crosswalk”** means:
    - (a) Any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface, or
    - (b) The portion of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the highway, or within the extension of the lateral lines of the sidewalk on one side of the highway, measured from the curbs, or in the absence of curbs, from the edges of the roadway,
  - k) **“cycle”** means a device having any number of wheels that is propelled by human power and on which a person may ride,
  - l) **“driver”** means a person who drives or is in actual physical control of a vehicle,
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- m) **“Engineer”** means the person holding the Office of Director of Engineering Services or its equivalent, and includes any person appointed or designated by the Engineer to act on his behalf,
  - n) **“highway”** includes every highway within the meaning of the Highway Act and every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and every private place or passage-way to which the public, for the purposes of the parking or servicing of vehicles, has access or is invited,
  - o) **“intersection”** means the area embraced within the prolongation or connection of the lateral curb-lines, or if none, then the lateral boundary-lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles travelling upon different highways joining at any other angle may come in conflict; and, for the purpose of this definition, “highway” does not include a lane or way less than five metres in width separating the rear property-lines of parcels of land fronting on highways running more or less parallel to and on each side of such lane or way,
  - p) **“lane”** means any highway not exceeding 9.4m in width,

- q) “**mailed**” means deposited in any post office or post box maintained by the Canada Post for the deposit of parcels or letters with appropriate postage affixed.
- r) “**metered space**” means a section of highway at which a parking meter has been installed,
- s) “**motor vehicle**” means a vehicle, not run upon rails, that is designed to be self-propelled,
- t) “**municipality**” means the City of Prince Rupert,
- u) “**owner**” as applied to a vehicle includes:
  - i) the person who holds the legal title to the vehicle;
  - ii) a person who is a conditional vendee, a lessee, or a mortgagor, and is entitled to be and is in possession of the vehicle;
  - iii) the person in whose name the vehicle is registered,
- v) “**parade**” means a procession or body of pedestrians (except members of the armed forces) numbering more than 30, standing, marching or walking upon any street or sidewalk, or any group of vehicles numbering 10 or more (except funeral processions) standing or moving on any street,
- w) “**park**” when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading,
- x) “**parking meter**” means any automatic or other mechanical device for the purpose of allotting and controlling parking spaces for vehicles and measuring and recording the duration of parking, into which the driver of a vehicle parked in a parking space adjacent to the parking meter is required to deposit a fee at rate prescribed on and measured by the parking meter,

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- y) “**Peace Officer**” means any person defined as a peace officer by the Interpretation Act, R.S.B.C. 1996, c 238 and, for the purposes of this Bylaw, includes a Bylaw Officer appointed by Council,
- z) “**pedestrian**” means a person afoot, or an invalid or child in a wheelchair or carriage,
- aa) “**permit**” means a document in writing issued pursuant to this Bylaw
- bb) “**person**” means and includes natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent or employee. The singular shall, when necessary be held to mean and include the plural; the masculine, the feminine and the converse thereof.

- cc) **“roadway”** means the portion of the highway that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder; and where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively,
- dd) **“sidewalk”** means the area improved for use of pedestrians between the curb-line or lateral lines of a roadway and the adjacent property lines,
- ee) **“stop”** or “stand” means,
  - i) when required, a complete cessation from movement; and
  - ii) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device,
- ff) **“traffic”** includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway for purposes of travel,
- gg) **“traffic control device”** means a sign, signal, line, parking meter, marking, space, barrier, or device, placed or erected by authority of the Minister of Transportation and Highways or the Council or person duly authorized by the Minister of Transportation and Highways or by the Council to exercise such authority,
- hh) **“traffic control signal”** means a traffic control device, whether manually, electrically, or mechanically operated by which traffic is directed to stop and to proceed,
- ii) **“traffic patrol”** means an adult school crossing guard or a school pupil acting as a member of a school patrol where such guards or pupils are provided under the Public Schools Act or authorized by the Chief of Police,
- jj) **“travelled portion of roadway”** means that portion of roadway marked or ordinarily used for the actual passage of vehicles and not the parking or standing of vehicles,
- kk) **“trailer”** means a vehicle that is at any time drawn upon a highway by a motor vehicle, except:
  - i) an implement of husbandry;
  - ii) a side-car attached to a motorcycle;
  - iii) a disabled motor vehicle that is towed by a tow-car, and includes a semi-trailer as defined in the Commercial Transport Act,
- ll) **“vehicle”** means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks,
- mm) **“winter tire”** means a tire that is advertised or represented by its manufacturer or a person in the business of selling tires to be a tire intended principally for winter use and that provides or is designed to provide adequate traction in snow, mud or ice and is in

such condition respecting tread, wear and other particulars as the regulations under the Motor Vehicle Act may prescribe,

- 2.02 The definitions in the Municipal Act and in the Motor Vehicle Act apply to this bylaw except where the same are inconsistent with this bylaw.

### **PART III - TRAFFIC CONTROL DEVICES**

- 3.01 The provisions of this Part do not apply to arterial highways.
- 3.02 The Engineer is hereby authorized to order the placing or erection of traffic control devices at such places as he designates in order to give effect to the provisions of this bylaw, the Motor Vehicle Act, resolutions of the Council pursuant to this bylaw and orders made by the Engineer pursuant to this bylaw.
- 3.03 Traffic control devices may be in any form prescribed in the regulations to the Motor Vehicle Act or in such other form as the Engineer may designate.
- 3.04 The Engineer shall issue written orders directing the placing of traffic control devices, which order shall be dated, signed by the Engineer, and have the seal of the Municipality affixed by the Municipal Clerk.
- 3.05 The Municipal Clerk may affix the corporate seal of the Municipality to a copy of any order made by the Engineer pursuant to this bylaw and certify such copy to be a true copy.
- 3.06 The Engineer may rescind, revoke, amend or vary any order made by him pursuant to this bylaw.
- 3.07 All traffic control devices placed or erected in the Municipality at the time this bylaw comes into force are confirmed and shall be deemed to have been placed or erected pursuant to an order made by the Engineer pursuant to this bylaw.

### **PART IV - REMOVAL AND DETENTION OF VEHICLES AND CHATTELS**

#### **Bylaw 3184**

- 4.01 The Engineer, a Peace Officer, a Bylaw Officer, or a contractor acting in accordance with the directions of the municipality may remove, detain or impound or direct the removal, detention or impoundment of any vehicle unlawfully or improperly occupying any portion of a highway or public place.

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- 4.02 The Engineer, a Peace Officer, a Bylaw Officer, or a contractor acting in accordance with the directions of the municipality may remove, detain or impound or direct the removal, detention or impoundment of any chattel or obstruction unlawfully or improperly occupying any portion of a highway or public place.

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4.03 A schedule of fees, costs and expenses shall be established by Bylaw for:

- a) removing a vehicle from a highway or public place;
- b) detaining or impounding a vehicle;
- c) removing chattels or obstructions from a highway or public place;
- d) detaining or impounding a chattel or obstruction.

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4.04 Where a vehicle, chattel or obstruction has been removed, detained or impounded pursuant to Section 4.01 or Section 4.02, the fees, costs and expenses payable pursuant to the scale established by Bylaw shall be a debt payable by the owner of the vehicle, chattel or obstruction to the Municipality and may be recovered by civil action in any court of competent jurisdiction.

4.05 Notwithstanding any provision of this bylaw, where a vehicle, chattel or obstruction is removed from a highway or public place it need not be detained or impounded but may be removed to such place as the Engineer may direct, and the failure to detain or impound shall not affect the liability of the owner for the fees, costs and expenses of removing the chattel, obstruction or vehicle.

4.06 where a vehicle, chattel or obstruction is detained or impounded and the fees payable for the removal, detention or impounding have not been paid within twenty days of the removal, detention or impoundment, the Engineer may cause a notice to be published at least once in any newspaper circulating in the Municipality stating that the vehicle, chattel or obstruction is to be sold at public auction and naming the date, time, and place of the auction, which shall be not less than three nor more than ten days following the date of publication of the notice.

4.07 where a notice has been published pursuant to Section 4.06 and the fees payable for the removal, detention or impounding of the vehicle, chattel or obstruction have not been paid prior to the date and time for the auction as published in the notice, the vehicle, chattel or obstruction shall be sold by public auction conducted at the date, time and place as set out in the notice published and the proceeds of sale shall be applied in the following order:

- i) in payment of any and all costs or expenses incurred by the Engineer in conducting the sale and publishing the notice pursuant to Section 4.06;
- ii) in payment of the fees payable for the removal, detention or impounding of the vehicle, chattel or obstruction;
- iii) the balance, if any, to be paid to the owner of the vehicle, chattel or obstruction and if such owner is unknown or cannot be determined, any such balance shall be paid into the general revenue fund of the Municipality.

4.08 where the balance of the proceeds of sale of a vehicle, chattel or obstruction has been paid into the general revenue fund of the Municipality pursuant to Section 4.07, such balance shall be paid over to the owner of the vehicle, chattel or obstruction, without

interest, upon application therefor being made within one year from the date of the sale of such vehicle, chattel or obstruction.

- 4.09 In the event that the proceeds of sale of a vehicle, chattel or obstruction sold pursuant to Section 4.07 are insufficient to pay the expenses of publishing the notice required by Section 4.06 and conducting the sale pursuant to Section 4.07, the amount of such expenses not paid from the proceeds of sale shall be a debt payable by the owner of the vehicle, chattel or obstruction to the municipality and may be recovered by civil action in any Court of competent jurisdiction.

## **PART V - PARKING**

- 5.01 Council may by resolution regulate parking within the Municipality and may make different regulations for different areas within the Municipality.
- 5.02 The Engineer may make orders not inconsistent with this bylaw or resolutions adopted by the Council to regulate parking within the Municipality and may make different orders with regard to different areas of the Municipality.
- 5.03 The Engineer may order the application of lines on any highway as a traffic control device pursuant to Part III of this bylaw.

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- 5.04 Except where necessary to avoid conflict with traffic, or to comply with the directions of a peace officer, traffic control device or traffic patrol, or where operating a vehicle of a municipal or provincial or public utility while engaged in the duties of the utility, or in accordance with a permit issued pursuant to Section 5.05 2), no person shall stop, stand or park a vehicle:
- a) on a sidewalk or boulevard;
  - b) in front of a public or private driveway;
  - c) unless the vehicle is an attended commercial vehicle actually loading or unloading and placed so as to leave 3m of clear roadway, in any lane,
  - d) within an intersection except as permitted by a traffic control device,
  - e) within 5m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant,
  - f) on a crosswalk or within 6m of a crosswalk in the direction from which vehicular traffic would approach a crosswalk,
  - g) within 6m upon the approach of a stop sign or traffic control signal located at the side of a roadway,
  - h) within 6m either side of the entrance to or exit from any hotel, theatre, public meeting place, fire hall or playground,
  - i) within 15m of the nearest rail of a railway crossing,
  - j) upon any highway for the principal purpose of:
    - 1) displaying a vehicle for sale;
    - 2) advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency,
    - 3) displaying signs;



- 4) selling flowers, fruit, vegetables, seafoods, or other commodities or articles,
- k) alongside or opposite an excavation or obstruction when stopping, standing or parking obstructs traffic,
- l) alongside a vehicle stopped or parked at the edge or curb of a roadway,
- m) upon a bridge except as permitted by any applicable traffic control device,
- n) in any place in contravention of a traffic control device that gives notice that stopping, standing or parking is prohibited or restricted in such place,
- o) in such manner as to obstruct the visibility of any traffic control device,
- p) upon a two-way roadway other than the right side of the roadway and with the right hand wheels parallel to that side,
- q) on a roadway more than 30cm from the curb of such roadway if a curb has been constructed,
- r) where traffic control devices consisting of lines have been applied on the surface of a highway to designate parking spaces for vehicles, other than within the said lines,
- s) where traffic control devices consisting of lines applied upon the surface of a highway designate angle parking spaces if the length of such vehicle and any trailer attached thereto exceeds 6m,
- t) on any highway in a space adjacent to any Federal, Provincial or Municipal public building designated as being reserved for the use of officials unless the operator is such an official,
- u) on any highway for a continuous period exceeding forty-eight (48) hours without first obtaining an order of the Engineer permitting such stopping, standing or parking,
- v) which is a commercial vehicle having a licenced vehicle weight in excess of 7,300 kg between the hours of 9:00 o'clock in the afternoon and 6:00 o'clock in the forenoon on any highway where the nearest lot to the place where the vehicle is parked is zoned residential pursuant to the City of Prince Rupert zoning bylaw,
- w) within 3m of the entrance or exit of a lane,
- x) upon a roadway in such a manner as to obstruct the free passage of traffic on the roadway
- y) on any highway where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated,
- z) in a metered space unless the fee prescribed by the parking meter has been deposited therein and the time measured by the parking meter has not expired,
- aa) adjacent to or alongside any curb which has been painted yellow, except as permitted by a traffic control device adjacent to or at one or both ends of the yellow curb,
- bb) in a loading zone as designated by a traffic control device unless actively engaged in the loading or unloading of a vehicle,
- cc) in an area identified by a traffic control device as a commercial vehicle loading zone during the effective hours of the zone for a period exceeding 30 minutes,
- dd) in an area identified by a traffic control device as a commercial vehicle loading zone during the effective hours of the zone unless the vehicle is a commercial vehicle.

Bylaw 2731

**Bylaw 3184**

5.05 1) A person who is permanently handicapped and who is the holder of a valid and subsisting licence from the Government of the Province of British Columbia authorizing the person to operate a motor vehicle in the Province of British Columbia, may apply to the Engineer for a permit authorizing that person to stop, stand, or park a vehicle contrary to Subsections 5.04(y) or 5.04(bb) and, on being satisfied that undue hardship will be caused to the applicant if forced to comply with the provisions of Subsections 5.04(y) or 5.04(bb), the Engineer shall issue a permit valid for a period of three months to the applicant.

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- 2) The operator of a commercial vehicle may apply to the Engineer for a permit for a fixed period of time to allow the vehicle to be parked contrary to certain Subsections of Section 5.04, and on receipt of the application, a monetary deposit and payment of a daily fee, both established by Bylaw, for the number of days the permit is requested, and on being satisfied that the operator and owner of the commercial vehicle have satisfied all of the provisions of this bylaw and all applicable provincial and municipal legislation, the Engineer shall issue a permit allowing the vehicle to be parked at specific locations, under specified conditions, contrary to the Subsections of Section 5.04 specified by the Engineer in writing on the permit.
- 3) Permits issued pursuant to Subsection 1 of this Section are issued personally to the applicant and not to the vehicle, and are not transferrable.
- 4) Permits issued pursuant to this Section are void at the end of the period stated in the permit.
- 5) Permits issued pursuant to this Section may be revoked by the Engineer where the permit is used contrary to the provisions of this Section.

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6) On the termination or revocation of a permit issued pursuant to Subsection 2 of this Section if the permittee has complied with all of the terms of the permit and returned the permit and any signs provided by the Municipality to the engineer, the Engineer shall refund to the permittee the sum of the daily fee for each day that the permit would still be in effect except for revocation, plus the deposit referred to in Section 5.05 2), less the cost of any damage to any sign provided by the Engineer to the permittee at the time of the granting of the permit.

**PART VI - SCHOOL CROSSINGS**

6.01 The Engineer may by order establish school crossings at any place within the Municipality.

6.02 Persons employed in traffic patrols by or for schools within the Municipality, whether school children or others, may require the stopping of vehicles and otherwise direct traffic at school crossings, intersections, and in any areas where signs are displayed stating a speed limit of 30km per hour, or upon which the numerals “30” are prominently shown in the vicinity of a school.

- 6.03 No person driving a motor vehicle shall overtake and pass another vehicle on any highway where signs are displayed stating a speed limit of 30km per hour, or upon which the numerals “30” are prominently shown, in the vicinity of a school to which the signs relate.

## **PART VII - TRAFFIC REGULATION**

- 7.01 No person shall:
- a) except where directed by a peace officer or a person authorized by a peace officer to direct traffic, fail to obey the instructions of an applicable traffic control device;
  - b) fail to obey the instructions of a peace officer;
  - c) unless expressly permitted by a traffic control device, drive a vehicle or ride or herd any animal along any sidewalk, walkway or boulevard;
  - d) being a person other than the Engineer or an employee of the City of Prince Rupert directed to do so by the Engineer, erect, maintain, alter, repaint, tear down or remove any sign, advertisement or guidepost erected on any highway, other than an arterial highway, in the Municipality;
  - e) being a pedestrian, cross a highway other than at a crosswalk or school crossing or under the direction of a peace officer;
  - f) be a member of or take part in any parade except as or under the direction of the person who has been granted permission to hold the parade by the clerk;
  - g) interfere or drive between the vehicles in any funeral procession
  - h) use roller skates, skateboards, sleighs, skates, skis or other similar means of conveyance on any roadway;
  - i) stand or loiter in such a manner as to obstruct or impede or interfere with traffic on a roadway.
- 7.02 Application may be made by any person who would be the organizer or director of a parade to the clerk for permission to hold the parade, and on the clerk being satisfied that an interference with traffic for the holding of the parade is warranted, and that the Chief of Police would be able to divert traffic as required, the clerk may grant his consent or may refer the matter to council for directions to give or withhold consent.
- 7.03 The Engineer may close to traffic or use any highway at such time and for such period of time and in respect of such classes of traffic or use as in his opinion may be necessary for the construction or protection of any highway or other public work or for the protection of persons using the highway or to enable permitted traffic to be handles safely and expeditiously.
- 7.04 Where, in the opinion of the Engineer, any highway is liable to damage through extraordinary traffic thereon, he may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein.
- 7.05 Any person to whom this Section might otherwise apply may, with the approval of the Engineer, enter into an agreement for the payment to the Municipality of compensation in

respect of the damage or expense which may, in the opinion of the Engineer be caused by the extraordinary traffic, and thereupon that person shall not in respect of that traffic be subject to any prohibition or penalty prescribed in this Section.

## **PART VIII - VEHICLE REGULATION**

- 8.01 Council may, by resolution,
- a) prohibit vehicles which are not equipped with chains, winter tires, or sanding devices, or any combination of these which Council may consider adequate and necessary in view of prevailing road conditions, from being driven or operated on a highway;
  - b) regulate the speed of vehicles in respect of any designated highway or class of highway.
- 8.02 Resolutions of Council pursuant to Section 8.01 shall not be effective until signs have been posted on or adjacent to the highways affected or until public notice has been given in such manner as may be directed by Council.
- 8.03 No person shall, except as authorized by a permit issued by the Engineer pursuant to Part X of this bylaw:
- a) exceed any speed limit set pursuant to this bylaw;
  - b) drive a vehicle with solid rubber tires at a rate of speed greater than 20 km per hour;
  - c) drive a combination of vehicles at a rate of speed greater than 60 km per hour;
  - d) drive a vehicle unless it is constructed and loaded so as to prevent any of its load:
    - 1) from shifting or swaying in such a manner as to affect the operation of the vehicle;
    - 2) from dropping, sifting, leaking or otherwise escaping from the vehicle;
  - e) drive a vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner hazardous to other users of the highway;
  - f) drive a passenger vehicle loaded in such a manner that any part of the load extends beyond the sides of the vehicle or more than 185cm beyond the back of the vehicle;
  - g) drive a vehicle, the wheels of which are not equipped with pneumatic tires in good condition, except as permitted by sub-section 8.03(h);
  - h) drive or operate on a highway a vehicle equipped with solid tires, the width of which between the rim of the wheel and the surface of the highway is less than 32mms;
  - i) except for the purpose of snow removal or grading, drive or operate on a highway a vehicle having wheels or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread or track, excluding studded winter tires and tire chains of reasonable proportions when required for safety between October 1st and April 30th;

- j) unless otherwise posted, drive a vehicle at a rate of speed greater than 20km per hour where signs are posted indicating that the road is being repaired, widened, or marked.

## **PART IX - HIGHWAY REGULATION**

9.01 The provisions of this Part do not apply to arterial highways.

9.02 No person shall, except as authorized by a permit issued by the Engineer:

- a) being the person who has removed a wrecked or damaged vehicle from the scene of an accident, leave any glass or other debris from the accident upon a roadway;
- b) excavate in, cause a nuisance upon, encumber, obstruct, injure, foul, or damage any portion of a highway or other public place;
- c) place or permit to be placed any fuel, lumber, merchandise, chattel, or ware of any nature on a highway;
- d) drag or skid anything along or over a highway so that the same damages the surface of the highway;
- e) being the owner or occupier of property abutting a highway, allow or permit any earth, rocks, stones, logs, or stumps or other things to cave, fall, crumble, slide or accumulate from any such property onto a highway, or being there to remain thereon;
- f) being the owner or occupier of property abutting a highway at an intersection of another highway, construct a fence or grow a hedge or permit a fence or hedge to remain so that the fence or hedge is more than 1m higher than the finished grade of the abutting highways for a distance of 8m back along both abutting property lines of the lot from the point of intersection of the highways;
- g) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling nuisance or injury to any portion of a highway.
- h) distribute leaflets upon any highway by placing the same on the windshield or other parts of a motor vehicle parked upon the highway.
- i) being the owner or occupier of property abutting a highway, allow any garbage containers or other facilities related to garbage collected to be on any portion of the highway.
- j) place, construct, or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structures or thing on a highway.

- k) Cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs, or other things erected by the municipality on a highway.
- l) Dig up, break up or remove any part of a highway, or cut down or remove trees or timber growing on a highway, or excavate in or under a highway.
- m) Change the level of a highway whatsoever, or stop the flow of water through any drain, sewer or culvert on or through highway.
- n) Mark or imprint or deface in any manner whatsoever a highway or structure thereon.
- o) Erect or maintain any sign, advertisement or guide-post on or over any highway or alter, repaint, tear down or remove any sign, advertisement or guide-post erected or maintained on any highway.
- p) Ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg over or across a boulevard including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing.
- q) Construct a boulevard crossing, including a curb, ditch or sidewalk crossing.

Bylaw 2696

9.03

- (1) The owner and the occupier of any real properties zoned CORE COMMERCIAL 1, 2, 3; SERVICE COMMERCIAL 1, 2; NEIGHBOURHOOD COMMERCIAL; CONVENIENCE COMMERCIAL; SERVICE STATION COMMERCIAL; WATERFRONT COMMERCIAL; TRANSIT COMMERCIAL; AND LIGHT INDUSTRIAL pursuant to the City of Prince Rupert Zoning Bylaw, and those properties zoned SCHOOLS, INSTITUTIONAL, PUBLIC USE, known and described as, but not limited to the following; CITY HALL, FIRE HALL, FEDERAL BUILDING, PROVINCIAL COURT HOUSE, CITY OF PRINCE RUPERT R.C.M.P. DETACHMENT BUILDING, AND PRINCE RUPERT LIBRARY shall remove promptly any snow, ice or rubbish from the sidewalks and footpaths bordering on the property, and shall not allow any snow, ice or rubbish to remain on the sidewalks and footpaths bordering on the property after the hour of 12:00 o'clock noon on any day except Sunday or a statutory holiday.
- (2) In this section;
  - a) “owner” includes a person who is the registered owner of the property in the Land Title Office in Prince Rupert or who is the purchaser pursuant to an agreement for sale or right to purchase, or who is entitled by virtue of any instrument to acquire the fee simple to the property;
  - b) occupier” includes any person who resides or operates a business on the property or who has the right to possession of the property or any part thereof.

Bylaw 3075

- (3) In case of default by the owner and occupier to comply with Section, 9.03 (1) the City through its employees, contractors and others may enter and effect removal of the snow, ice or rubbish from the sidewalks and footpaths bordering on the property at the expense of the owner and occupier, and the charges for so doing (including all expenses incidental thereto), if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that land or real property as taxes in arrears;

**Bylaw 3184**

- 9.04 (1) The Engineer may issue a permit in the form prescribed in Schedule “A” to this Bylaw to do those things otherwise prohibited by Part 9 of this Bylaw subject to payment of the application fee established by Bylaw or such other fee as may be specified in the Schedules and subject to such other conditions contained in this Section, or in Schedule “B” as may be applicable.
- (2) As a prerequisite to the issuance of a permit under this Section, the applicant shall, if required by the Engineer, deposit with the City a sum of money, or irrevocable Letter of Credit from a Chartered Bank of Canada if the amount is greater than Five Hundred Dollars (\$500.00), sufficient to pay for the cost of repairing any damage likely to be done to the highway, and as sufficient security that the obligations imposed by the permit are fulfilled within the time specified by the permit and where applicable one years maintenance.

**Bylaw 3184**

- (3) Where a deposit has been made in accordance with this Section, and upon satisfactory completion of the work within the time specified the deposit shall be refunded to the applicant less an inspection fee established by Bylaw where applicable.
- (4) Failure by the permit holder to repair damage and/or fulfill such obligations as are set out in the permit within the specified time, shall enable the City to carry out the repair or fulfill the obligations that have not been met under the terms and conditions of the permit and to deduct the cost thereof from the monies on deposit or to call on the irrevocable Letter of Credit and to pay the costs therefrom and should there be an insufficiency of monies on deposit or through the Letter of Credit then the Permittee shall pay the balance forthwith upon invoice of the City or should there be a surplus of funds over and above that required by the City to carry out the works or fulfill the obligation such balance shall be paid to the Permittee less and administration charge of Twenty-Five Dollars (\$25.00).
- (5) The applicant shall provide, in triplicate, satisfactory plans and/or specifications of the work to be undertaken and when such are supplied and approved by the Engineer and the necessary permit issued and work shall conform in every way to the plans and specifications so provided.
- (6) Any person doing work on or in any highway shall provide and place appropriate barricades, lights and other safety devices as are required to protect the public.

**Bylaw 3184**

- (7) The applicant shall provide evidence satisfactory to the Engineer that he is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work covered by the permit in an amount not less than the amount established by Council Policy for Third Party Liability Coverage for each occurrence and if deemed necessary by the Engineer the City shall be added to the policy as a co-insured.
- (8) The applicant shall provide evidence satisfactory to the Engineer that all materials, labour and equipment which are needed to complete the work with reasonable dispatch are available.
- (9) The applicant shall provide the Engineer, following completion of the work, with a plan showing the works installed by the applicant if works are installed by the applicant, and such plan shall be drawn to a scale satisfactory to the Engineer showing the location, size and description of the works and the date of installation. The plan shall be supplied prior to the return or refund of any deposit or security posted as a condition of the permission.
- (10) The Engineer may issue a permit to a company regulated under the Energy Act or the Water Act permitting such company, over the calendar year for which the permit is applicable, to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utilities under their control and subject to the terms of any franchise or other agreement entered into between such utility and the City of Prince Rupert.

**PART X - ENFORCEMENT**

**Bylaw 2783, Bylaw 3184**

- 10.01 A person who contravenes this bylaw by doing any act that it forbids, or omitting to do any act that it requires to be done, commits an offence against this bylaw and is liable to a fine not exceeding \$10,000.00 and, except as otherwise expressly provided by this bylaw, or the City of Prince Rupert Ticket Information Bylaw as amended, not less than \$50.00.
- 10.02 The owner of a vehicle shall be held liable for any violation of this bylaw committed with or in respect of that vehicle unless on a prosecution of an owner under this Section the defendant proves, on the balance of probabilities, that the person in possession of the vehicle was not a person entrusted by the owner with possession and that the person had possession without the consent of the owner.
- 10.03 No person, other than the owner or operator of a vehicle, shall remove a traffic ticket or a notice of offence from a vehicle.
- 10.04 No person shall remove, erase, obliterate or conceal any mark or sign made or affixed upon a vehicle by a traffic control officer except at the time the vehicle is moved from the location at which it was parked.



- 10.05 In the case of a breach of Subsection 5.04(y), each successive period of time equal to the length of time allowed for parking during which a vehicle remains parked constitutes a separate violation of this bylaw for which a separate traffic ticket, notice of offence, or summons, as the case may be, may be issued.
- 10.06 For all purposes of this bylaw, if a vehicle which is parked is moved and is again parked without entering onto the travelled portion of a roadway, such vehicle is deemed to be and to have remained parked at the location where it was first parked.
- 10.07 Nothing in this part interferes with the right to commence proceedings and charge by way of the procedures as set out in the Offence Act.

### **PART XI - REPEAL**

11.01 Traffic Bylaw No. 2276 and amendments thereto are hereby repealed.

This Bylaw may be cited for all purposes as “**City of Prince Rupert Traffic Bylaw No. 2470, 1983**”; and takes effect April 1st, 1984.

READ THE FIRST TIME THIS 14TH DAY OF NOVEMBER, A.D. 1983

READ THE SECOND TIME THIS 14TH DAY OF NOVEMBER, A.D. 1983

READ THE THIRD TIME THIS 28TH DAY OF NOVEMBER, A.D. 1983

RECEIVED THE APPROVAL OF THE MINISTER OF TRANSPORTATION AND HIGHWAYS AS TO SECTION 11, THIS 1<sup>ST</sup> DAY OF MARCH, A.D. 1984.

RECONSIDERED AND FINALLY ADOPTED THIS 19TH DAY OF DECEMBER, A.D. 1983.

This Bylaw has been consolidated for convenience only and includes amendments from:

Bylaw No. 2675, 1989 - Adopted May 8, 1989  
Bylaw No. 2696, 1989 - Adopted October 23, 1989  
Bylaw No. 2731, 1990 - Adopted September 10, 1990  
Bylaw No. 2783, 1992 - Adopted April 13, 1992  
Bylaw No. 3075, 1999 - Adopted February 22, 1999  
Bylaw No. 3184, 2004 - Adopted December 13, 2004

**SCHEDULE "A"**  
**CITY OF PRINCE RUPERT TRAFFIC BYLAW NO. 2470**  
**STREET EXCAVATION AND CONSTRUCTION APPLICATION AND PERMIT**

1) Applicant's Name	2) Business Address & Telephone No.
3) Starting Date (mm/dd/yy)	4) Completion Date (mm/dd/yy)
6) Nearest intersecting Street to Excavation	5) Name of Street to be excavated
8) Size of Excavation	7) Street Numbers of Abutting Properties
10) Purpose of Excavation and Construction	9) Distance of Excavation from curb or Pavement Edge (ft)

I (we) hereby agree to be bound by the provisions to City of Prince Rupert Traffic Bylaw and amendments, if any, specifications, and regulations of the City governing excavations in or under municipal streets and to such special conditions, restrictions, and regulations as may be imposed by the City Engineer.

SEE CONDITIONS AND REGULATIONS ATTACHED HERETO

\_\_\_\_\_  
Applicants Signature

Fee for Permit - \$5.00

\_\_\_\_\_  
Date of Application

**DO NOT WRITE BELOW THE DOUBLE LINE – FOR DEPARTMENT USE ONLY**

11) Plans Approved by	12) Date Application Approved (mm/dd/yy)
13) Deposit and Refund Information _____ Amount Deposited _____ Receipt No. _____ Inspection Fee _____ Amount Refunded	14) Insurance Needed  YES      NO  Date Received (mm/dd/yy) _____
15) Date of Refund (mm/dd/yy)	16) Restoration Date (mm/dd/yy)
17) Date of Refund (mm/dd/yy)	
18) Reason Permit Revoked	By whom and Date Revoked (mm/dd/yy)

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19)	As-Builts Needed	20)	Final Inspection Approval
	Date Received _____ (mm/dd/yy)		Date Received _____ (mm/dd/yy)

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The applicant is hereby authorized to make an Excavation in or under the above named street at the location designated; provided, however, all work is performed in accordance with the attached conditions and regulations, the applicant's plans, the city's Bylaws, specifications, and regulations governing street excavations, and the following special conditions

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or such special conditions as may be imposed during the performance of the authorized work.

Date application approved \_\_\_\_\_.

\_\_\_\_\_  
City Engineer's Signature

Permit Number \_\_\_\_\_

## SCHEDULE "B"

### CITY OF PRINCE RUPERT TRAFFIC BYLAW NO. 2470

#### **A. Standard Conditions**

1. That the construction and maintenance of the said work is carried out to the satisfaction of the City Engineer.
2. That before commencing with any work on City property, notice in writing of the intention to do so must be given to the City Engineer at least two (2) clear working days before the work is begun.
3. That any person or persons appointed by the Engineer for inspection purposes, shall have free access to all parts of the work for the purpose of inspecting the same.
4. That the person or persons for whom these works are being constructed, or by whom these works are maintained, shall, at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by these work, and shall save harmless and keep indemnified the City from all claims and demands whatsoever in respect of these works and such work.
5. The permission herein granted is not to be construed as being granted for all time, and shall not be deemed to vest in the permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be classified as an arterial or primary highway, this permission shall become void.
6. That the permission hereby granted to construct, use and maintain work is granted subject to and without prejudice to the provisions of the Highway Act, City Bylaws or other acts governing City lands and public works or their use by the public.
7. All works, surface or underground, carried out in, on or through any City lands except the works of any private or public utility company, shall, upon completion become the property of the City of Prince Rupert and shall not be further added to, modified, destroyed or removed without obtaining a further permit from the City.
8. This permit is valid only for the specific works stated herein. Any alteration or additions must be covered by a separate permit.
9. This permit may be cancelled at the direction of the City Engineer or Inspector without recourse should the Permittee fail to comply with all the terms of the permit.

#### **B. Regulations**

1. Where reasonably possible, no excavation in any street shall extend beyond the centre line of the street before being back filled and the surface of the street temporarily restored. The Permittee shall maintain safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavation is made across any public street, alley or sidewalk, at least one safe crossing shall be maintained for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along the sidewalk line.
2. No more than 80 metres measured longitudinally shall be opened in any street at any one time.
3. All Utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.
4. The Permittee shall not interfere with any existing Utility without the written consent of the City Engineer and the owner of the Utility. If it becomes necessary to relocate an existing Utility, this shall be done by its Owner. No Utility owned by the City shall be moved to accommodate the Permittee unless the cost of such work be borne by the Permittee. The cost of moving privately owned Utilities shall be similarly borne by the Permittee unless he makes other arrangements with the Owner of the Utility.
5. The Permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, and along or across such work.
6. In case any of said pipes, conduits, poles, wires or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered part of a substructure) they shall be repaired by the agency or person owning same and the expense of such repairs shall be charged to the Permittee. The Permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit, or other utility. The Permittee shall inform himself as to the existence and location of all underground utilities and protect the same against damage.
7. Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the City Engineer. Permission shall be granted only upon condition that the Permittee shall pay all expenses incidental to the proper replacement of the monument or survey bench mark.
8. When work performed by the Permittee interferes with the established drainage system of any street, provision shall be made by the Permittee to provide proper drainage. The

Permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb at the gutter line. Wherever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained.

The Permittee shall make provisions to take care of all surplus water, muck, silt, or any other run off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from his failure to so provide.

9. As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean up operations at the location of such excavation shall be accomplished at the expense of the Permittee and shall be completed to the satisfaction of the City Engineer. From time to time, as may be ordered by the City Engineer, and in any event immediately after completion of said work the Permittee shall, at his own expense, clean up and remove all refuse and unused materials of any kind resulting from said work and upon failure to do so within 24 hours after having been notified to do so in writing by the City Engineer, said work may be done by the City and the cost thereof charged to the Permittee, or deducted from his deposit.
10. Access to private driveways, lanes and loading areas shall be provided at all times, except when actual construction operations prohibit provision of such access during normal working hours. Immediately prior to closure of any private driveway or loading area the residents so affected by the closure shall be notified in order that vehicles may be removed if necessary.
11. Whenever it may be necessary for the Permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Bylaw. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The Permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the City Engineer.
12. All material excavated from trenches or tunnels and piled adjacent to the excavation shall be piled, and maintained in such manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the City Engineer may require the Permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed. Where confines of the area being excavated are too narrow to permit the piling of excavated materials beside the trench, such as might be the case in a narrow alley, the City Engineer shall have the authority to require that the Permittee haul the excavated material away to a storage or disposal site.

13. The Permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as practicable, shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The City Engineer may permit the closing of streets and alleys to all traffic temporarily, for a period of time prescribed by him, if, in his opinion, it is necessary.

Written permission from the City Engineer will be required for all street and lane closures and the Permittee may be required to give notification to various public agencies and to the general public.

14. Warning signs shall be placed far enough back of the construction operation to alert traffic within a public street, and cones, signs, lights or other approved devices shall be placed to channel traffic. All channelization, detours, closures, etc. shall be approved by the City Engineer.

Barricades or barriers shall meet the requirements of the City Engineer and shall display the name of the Contractor performing the work. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a clear distance of 180 metres. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

Where, in the opinion of the City Engineer, traffic or other conditions warrant, flagmen will be required to assist traffic through the construction area.

15. (a) Approved cutting of bituminous pavement surface ahead of excavations may be required in order to confine pavement damage to the limits of the trench.
- (b) Saw cutting of Portland Cement concrete may be required when the nature of the job or the condition of the street warrants. When required, the depth of the cut shall not be less than 3 centimetres in depth; however, depths greater than 3 centimetres may be required by the City Engineer when circumstances warrant.
- (c) Sections of sidewalks shall be removed to the nearest score line or saw cut edge.
- (d) Unstable pavement shall be removed over cave outs and over breaks and the subgrade shall be treated as the main trench.
- (e) Pavement edges shall be trimmed to a vertical face and neatly aligned with the centre line of the trench.
- (f) Cut outs outside of the trench lines must be normal or parallel to the trench line.
- (g) Boring or other methods to prevent cutting of new pavement may be required by the City Engineer.

- (h) Permittee shall not be required to repair damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case the Permittee shall remove and pave the area.
16. All trench and tunnel excavations and construction shall conform with the safety requirements for shoring, bracing, cribbing, ladders, etc. in excavations, in accordance with the Accident Prevention Regulations of the Workers Compensation Board of British Columbia.
17. Work authorized by a permit shall be performed between the hours of 7:00 am. and 9:00 p.m., Monday through Saturday, unless the Permittee obtains written consent from the City Engineer to do the work at any other hour. Such permission shall be granted only in case of emergency.
- If, in his judgement, traffic conditions, the safety or convenience of the travelling public or the public interest require that the excavation work be performed as emergency work, the City Engineer shall have full power to order at the time the permit is granted, that a crew of men and adequate facilities be employed by the Permittee 24 hours a day so that such excavation work may be completed as soon as possible. Work in or around excavations on major thoroughfares may be prohibited during certain hours of the day, and temporary means of conducting traffic by or over work areas may be required during peak traffic periods.
18. In granting any permit, the City Engineer may attach such other conditions thereto as may be reasonable necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to:
- (a) Limitations of the period of the year in which the work may be performed.
  - (b) Restrictions as to the size and type of equipment.
  - (c) Designation of routes upon which materials may be transported.
  - (d) The place and manner of disposal of excavated materials.
  - (e) Requirements as to the laying of dust, the cleaning of street, the prevention of noise, and the other operations offensive or injurious to the neighbourhood or the general public.
  - (f) Regulations as to the use of streets in the course of the work.
19. Fine material, free from lumps, stones, and frozen material, selected from the spoil, shall be thoroughly compacted around and under the substructure to the upper level of the



substructure. Above this level backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the method of consolidation being used. Broken pavement, large stones, roots and other debris shall not be used in the backfill. Each lift shall be flooded, jetted, rolled or tamped, or a combination of these methods shall be used, depending upon the type of soil involved, to compact the backfill materials. Such backfill shall be done in a manner that will permit the restoration of the surface to a condition equivalent to that in which it was prior to excavation. The City Engineer may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, back fill for the excavation is not being adequately compacted. All expense of such tests shall be borne by the Permittee.

20. Permanent resurfacing of excavations may be made where the type of consolidation used in replacing the backfill is adequate, in the opinion of the City Engineer, to prevent settling and when the moisture content of the backfill is not excessive. In the event the type of consolidation is not adequate to prevent further settling, temporary resurfacing shall be provided. If temporary resurfacing is provided the top surface of the backfill shall be covered with approximately one inch of bituminous material. All temporary paving material shall conform closely enough to the level of the adjoining paving material and shall be compacted so that it is smooth enough to be safe for pedestrian travel and for vehicles to pass safely over it at a legal rate of speed. The Permittee shall maintain temporary paving in a safe condition for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving; if this is not practicable, then the Permittee shall maintain barricades and lights where required.

Acceptance or approval of any excavation work by the City Engineer shall not prevent the City from asserting a claim against the Permittee and his surety under the surety bond required herein for incomplete or defective work if discovered within 12 months from the completion of the restoration work. The presence of an inspector during the performance of any excavation work shall not relieve the Permittee of his responsibilities herein. In the event that the City Engineer elects to do such resurfacing with the City forces, the cost of such resurfacing shall be borne by the Permittee.

21. If the City Engineer finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, he may require a negotiated contribution from the Permittee for the resurfacing in place of patching of such street if the total area of the proposed patch or probably damaged area exceeds fifteen percent (15%) of the total pavement surfacing between curbs in any block. Such negotiation shall be carried on and contributions agreed upon prior to issuance of a permit.
22. The City Engineer shall make such inspections as are reasonably necessary in the enforcement of this Bylaw, and is empowered to provide a full time inspector if the work to be performed is of a nature that a full time inspector is necessary. All inspection costs shall be borne by the Permittee.

23. (a) Subgrade - Subgrades shall be restored to that existing prior to the excavation.
- (b) Paving Replacement - Portland cement concrete used in the repair of trenches in streets or lanes shall be replaced with a thickness equivalent to that removed, but in no case less than 15 centimetres. Bituminous pavement shall be replaced in the same thickness as the existing pavement. Portland Cement concrete shall be finished to match the texture of that of the adjoining pavement.
- (c) Sidewalks - Portland cement sidewalks shall be replaced with the thickness of that removed; but in no case less than 12 centimetres and shall be of a colour and texture of the adjoining sidewalk.
- (d) Expansion Joints - Expansion joints in Portland cement patches shall be matched with those in the adjoining sidewalk or pavement.
- (e) Concrete and Asphalt Materials - Handling, placement, curing and protection of concrete and asphalt used in surface restoration shall be in accordance with the City of Prince Rupert standards and requirements for new construction.
- (f) Seal Coats - Seal coating may be required on restored sections of bituminous paving where the adjoining pavement has been recently seal coated.
24. Upon completion of all work accomplished under the provisions of the permit, the Permittee shall notify the City Engineer. A certificate of final inspection shall be issued by the City Engineer to each Permittee no sooner than one (1) year after the permanent restoration of the excavation has been made, provided the work authorized by the permit has been performed according to City specifications.

If any settlement in a restored area occurs within a period of one (1) year from the date of completion of the permanent restoration, any expense incurred by the City in correcting such settlement shall be paid by the Permittee unless the Permittee submits proof satisfactory to the City Engineer that the settlement was not due to defective backfill.