Agenda - Council- April 27, 2005

Report - Standing Policy Committee on Public Works - April 12, 2005

Item No. 1 Amendments to the Traffic By-law No. 1573/77
File ST-5.2

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the administrative recommendation of the Standing Policy Committee on Public Works and submits the following to Council:

1. That the amendments to the Traffic By-law No 1573/77, as outlined on Schedule "A" to the administrative report dated April 1, 2005, be enacted in order to clarify the basis on which parade permits and special oversized vehicle permits are to be issued and on which spring weight restrictions and snow route parking restrictions are to be declared.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Public Works - April 12, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 12, 2005, the Standing Policy Committee on Public Works concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: **Amendments to the Traffic By-law**

For Submission To: **Standing Policy Committee on Public Works**

Submitted By: **City Solicitor/Manager of Legal Services**

Report Date: **April 1, 2005**

RECOMMENDATION(S):

That the amendments to the Traffic By-law No 1573/77 attached as Schedule "A" to this Report be enacted in order to clarify the basis on which parade permits and special oversized vehicle permits are to be issued and on which spring weight restrictions and snow route parking restrictions are to be declared.

Report Summary

KEY ISSUES:

The Traffic By-law does not currently specify the basis on which parade permits and special oversized vehicle permits are to be issued, nor the basis on which spring weight restrictions and snow route parking restrictions are to be declared. The proposed amendments clarify these matters in a manner which is consistent with current administrative practice.

IMPLICATIONS OF THE RECOMMENDATION(S):

General Implications

X	None
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract
	Comment(s):

Policy Implications

X	None
	Yes
	Comment(s): The proposed amendments will not affect the practices of the Administration; they simply codify the basis on which the delegated discretion has traditionally been exercised.

Environmental Implications

X	None
	Yes
	Comment(s):

Human Resources Implications

X	None
	Yes
	Comment(s):

Financial Implications

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
	Comment(s):

REASON FOR THE REPORT:

By-law amendments must be approved by Council.

HISTORY:

The Traffic By-law was enacted in 1977 and has since been amended on several occasions.

DISCUSSION:

The Traffic By-law delegates to the Chief of Police the authority to issue parade permits. It also delegates to the Director of Public Works the authority to issue special oversized vehicle permits and to declare parking restrictions on snow routes as well as spring weight restrictions on streets that do not have concrete pavement.

The Traffic By-law does not currently specify the criteria that the Chief and Director are to use in exercising these powers. Administrative criteria have been developed for these approvals and declarations and it is recommended that those criteria be incorporated within the by-law.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENT BY:

The Winnipeg Police Service
Department of Public Works

THIS REPORT SUBMITTED BY:

Department	Corporate Services
Division	Legal Services
Prepared By:	Harold Dick
File No.	

SCHEDULE "A"
DRAFT
THE CITY OF WINNIPEG

BY-LAW NO. .

A By-law of THE CITY OF WINNIPEG to amend the Traffic By-law No. 1573/77.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The Traffic By-law No. 1573/77 is amended by this By-law.

Section 11 amended

2. Section 11 is repealed and the following is substituted:

11 (1) The Chief of Police must issue a parade permit where

(a) the applicant has complied with section 10;

(b) the proposed parade would not violate a law, regulation or by-law;

(c) adequate security and traffic control can reasonably be provided by the Winnipeg Police Service or the applicant is able to offer a reasonable alternative; or

(d) the time, date or route of the proposed parade

(i) is unlikely to unduly disrupt traffic along the parade route;

(ii) is unlikely to result in conflicts with other events or parades taking place; or

(iii) does not poses undue security or public safety concerns.

11 (2) Where the Chief of Police refuses to issue a parade permit, he or she must propose a reasonable alternative date, time or route for the parade.

11 (3) The Chief of Police may issue a parade permit subject to conditions that will ensure that the parade meets the criteria set out in subsection (1), and a failure to comply with any conditions imposed invalidates the permit.

11 (4) The Chief of Police may withdraw the permit prior to or during the parade where information unknown to the Chief when issuing the permit indicates that the parade will fail to meet the criteria set out in subsection (1),and no person may take part in or continue to take part in a parade where the parade permit has been withdrawn.

Section 17 amended

3. Section 17 is repealed and the following is substituted:

Spring weight restrictions

17 (1) The Director may restrict the maximum weight of vehicles operated on those streets that do not have concrete pavement to the extent and for such period of time as is reasonably required to protect the streets from damage and deterioration during spring thaw conditions.

17 (2) Where the Director restricts the maximum weight of vehicles on streets pursuant to subsection (1), the Director must cause to be placed such traffic control devices as are necessary to reasonably inform the public of the restrictions and, at least one week prior to the weight restriction coming into effect, must publish in a newspaper having a general circulation in the city a notice setting out

(a) a description or list of the streets affected by the weight restriction;

(b) the maximum weight permitted on the streets identified; and

(c) the period of time during which the weight restrictions are in effect.

17 (3) No person may operate a vehicle on a street in contravention of a restriction made by the Director pursuant to subsection (1).

Section 29.1 amended

4(1) Subsection 29.1(1) is repealed and the following is substituted:

Parking Prohibitions on Major Snow Routes

29.1 (1) Where reasonably required in order to facilitate the removal of snow from streets bearing snow route signs, the Director may make a declaration prohibit standing, stopping or parking a vehicle between the hours of 00:00 and 06:00 on streets bearing a snow route sign for a period of time specified in the declaration.

4(2) The following is added after subsection 29.1(2):

29.1 (3) No person may stand, stop or park a vehicle on a street bearing a snow route sign where a declaration made under subsection (1) is in effect.

Section 48.1 amended

5. Section 48.1 is repealed and the following is substituted:

Special Permits for Oversized or Overweight Vehicles

48.1 (1) Notwithstanding sections 45, 46, 47 and 48, the Director may issue a special permit permitting the operation of an oversized or overweight vehicle on streets within the City of Winnipeg where the Director is satisfied that the operation of the vehicle will not

(a) damage the streets over which it passes;

(b) disrupt traffic or pose a threat to vehicular traffic or pedestrians;

(c) damage properties adjacent to the right of way.

(2) A special permit issued under subsection (1) may be issued subject to conditions and limitations imposed by the Director to eliminate or minimize

(a) damage to the streets over which the vehicle will pass;

(b) disruption of traffic or the threat to vehicular traffic or pedestrians;

(c) damage to properties adjacent to the right of way.

(3) A special permit referred to in subsection (1) may not be issued prior to the payment of a fee established by Council.

DONE AND PASSED, in Council assembled, this day of , 2005.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Public Works

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services