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Item No. 12.1.2
Transportation Standing Committee
June 14, 2016

TO: Chair and Members of Transportation Standing Committee

SUBMITTED BY: Original Signed

Bob Bjerke, Chief Planner & Director, Planning & Development

DATE: April 13, 2016

SUBJECT: Mitigation of Construction Impacts

ORIGIN

February 16, 2016 Regional Council directed staff to:

1. Develop Construction Mitigation Guidelines, as well as the appropriate by-law provisions necessary to implement the guidelines; and,
2. Amend By-law S-300, the Streets By-law to include clear definitions of "Applicant" and "Contractor" as well as improved enforcement provisions, as outlined in the report dated January 7, 2016.
3. Develop for possible inclusion in the Administrative Order a policy that outlines binding notification timeline requirements and a standard process for notification of abutting property owners and other stakeholders regarding construction related full and partial temporary street closures.
4. Report back to the Transportation Standing Committee no later than the May 26, 2016 meeting.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VII and Part XII:

- clauses 188 (1) (a) through (d) - Council may make by-laws, for municipal purposes, respecting the safety and protection of persons and property, activities in, on or near public places and nuisances or activities that may cause nuisances ...
- subsection 324 (2) The Council may, by by-law, regulate encroachments upon, under or over streets ...
- section 332 - The Engineer may permit the use of a portion of a street for construction and temporarily close a street or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street ...

RECOMMENDATION ON PAGE 2

RECOMMENDATION

It is recommended that the Transportation Standing Committee recommend that Regional Council:

1. adopt By-law A-501 amending By-law A-500, *the Amending By-law*, as contained in Attachment B, the purpose of which is: to amend By-law B-201, the *Building By-law*; By-law E-200, the *Encroachments By-law*; and, By-law S-300, the *Streets By-law*; and
2. adopt Administrative Order 2016-003-ADM, Respecting Construction Site Management as contained in Attachment G.

BACKGROUND

In January, 2015 the Transportation Standing Committee requested a staff report regarding the mitigation of development and construction impacts on neighbouring businesses, residents, and pedestrians. The request at that time was broad and included requirements for covering, scaffolding or hoardings around construction sites; sidewalk accessibility; standards for street cleaning; reduced encroachment fees; a standard process for notification of abutting property owners; penalties for misuse of parking meter bags by contractors; and, a requirement to display information regarding development details.

The matter was discussed on several occasions by the Transportation Standing Committee in June, 2015 and January, 2016. The outcome of the committee meeting in January was the recommendation which is the subject of this report.

DISCUSSION

Key elements to be included in the Guidelines as identified by the Transportation Standing Committee include requirements for hoarding, accessible sidewalks, street cleaning, and information signs.

Pursuant to this direction staff has developed guidelines that contain provisions for site protection and hoarding, vehicle and pedestrian management, lifting and crane operation, site management (street cleaning, dust, environmental controls) and notification requirements. Initially based on best practises and similar guidelines in place in other cities, the guidelines were further refined by a group of external stakeholders that included the Construction Association of Nova Scotia, the NS Road Builders Association, the Urban Development Institute of NS, and downtown businesses and business improvement commissions that were organized by the Canadian Federation of Independent Business.

There was general agreement by all participants that a code of practice was needed to guide best practises, and the challenge was developing a set of guidelines that balanced the needs of surrounding residents and businesses while allowing construction to occur in a competitive and cost effective manner.

A public open house was hosted by staff on April 18, 2016, and a website was established for the public to provide feedback on the guidelines as well (Refer to Attachment A – Summary of Community Engagement).

The guidelines attached to this report deal with a broader range of issues than requested by the standing committee, but are needed to effectively mitigate some of the negative impacts of construction.

Application and Process

The guidelines are recommended for adoption as an administrative order, and are intended to guide the development of a **Construction Management Plan (CMP)**. A detailed Construction Management Plan is required when work will occur within 5 metres of the street, or when work creates an obstruction of the street.

It is intended that the Guidelines apply to the entire Municipality, but the contents of a Construction Management Plan will vary greatly depending on the nature and location of development. The guidelines will apply to private developments, utilities, and capital projects carried out by the Municipality. The guidelines are NOT designed to apply to emergency repairs and maintenance work, however if the guidelines are implemented some aspects of the guidelines may be incorporated into common practices.

With regards to private development, the CMP must be in place prior to any activity (either on-site or in the street) that supports the development. Activities may be authorized by an encroachment license, streets and services permit, blasting permit, demolition permit, or building permit; and the timing of a CMP will vary depending on the nature and location of a development.

One of the key benefits of the CMP is the collaboration needed between the developer/contractor and the surrounding neighbourhood to establish issues and constraints such as those that relate to street closures, delivery times, etc. The features of the CMP would then be enforced through conditions of the appropriate by-law.

The CMP has the added benefit of providing detailed review of activities long in advance of when the work will be carried out. Key elements such as pedestrian management plans, traffic management plans, and days of the week when work in the street is permitted can be pre-approved; and, review of individual permit and license applications can focus on coordination and notification of activities. This enables much faster permit approval times from Planning and Development Services, which in turn facilitates longer more reasonable notification periods to abutting properties.

Although comprehensive, the guidelines were developed in a very short time period in order to comply with Council's request to report back to this Committee no later than May 26. Not all issues were resolved, and it is therefore expected that implementation will be monitored closely, collaboration with stakeholders will continue, and changes if needed can be brought forward in the first quarter of 2017.

Outstanding Issues

Areas that are not fully addressed in the guidelines include the following:

Parking - Replacing parking that is temporarily lost for encroachments will be an issue in urban areas of the Municipality. There may be opportunities to relax parking restrictions on surrounding streets during construction; however this will be difficult in the Downtown because the parking system is at or near capacity during business hours.

Noise - In particular noise created by finishing concrete slabs, will continue to be an issue when high rise construction occurs in proximity to residential neighbourhoods.

Notification Area – The guidelines will apply to the entire municipality and it is not possible to develop guidelines for the notification area in time to meet the deadline for this year. The guidelines require a minimum of 5 business days' notice in advance of street closures or utility disruptions, and also require the contractor to provide a list of all properties that have been notified. However it was not possible to develop rules for determining the notification area that would apply to the entire municipality and this will need to continue in an ad hoc manner, consistent with current practises for construction projects. The

guidelines will be amended for next year if needed. If a project is within a Business Improvement District, local business commissions have indicated they are available to help.

Compensation to Business – On December 1, 2015 Regional Council requested a staff report regarding the adoption of a policy to require compensation to businesses affected by longer term closures of abutting streets. The focus of this report is the Construction Management Plan guidelines which are intended to mitigate the impacts of construction. The matter of compensation will therefore will be dealt with in a future report to Regional Council, including to what extent compensation is needed if a comprehensive CMP can be successfully implemented.

Transporting and Dumping of Fill – A related issue is the trucking and disposal of clean fill from construction sites, particularly when the disposal occurs in residential areas. Council has previously requested a staff report on this issue, and staff is currently investigating the extent to which this activity can be regulated. For this reason the transportation and dumping of fill is not included in the guidelines which are attached to this report.

FINANCIAL IMPLICATIONS

There are no financial implications of the proposed by-law amendments or new administrative order. The new guidelines, policy and amended by-laws can be administered at current Planning & Development staffing levels.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. To reach this conclusion, consideration was given to operational, financial, and environmental risks.

COMMUNITY ENGAGEMENT

Community engagement on the proposed construction mitigation guidelines took place in March and April of 2016. The consultation process included stakeholder meetings with 20 members of the business, development and construction industry. A public open house was also held on April 18, 2016 attended by approximately 50 people. On-line engagement was also encouraged through a Shape Your City project site yielding 970 unique page views. The proposed guidelines attracted significant community and media attention during the consultation period. The attached “What We Heard Report” summarizes the process and includes detailed comments received.

In general stakeholder and public comments on the proposed guidelines have been very positive. Participants commented on the comprehensive nature of the guidelines, and on the progressive practices being adapted. While many urged a timely implementation, many stressed the need to prioritize pedestrians, cyclists and businesses in construction mitigation plans but to also consider opportunities to “make-up” lost parking spaces. Good signage and notification were also raised as an important issue, including early and ongoing communication using a variety of channels. Members of the public also encouraged the Municipality to evaluate the experience of the first construction season and to invest in educating both the community and the business and development community about the Guidelines.

ENVIRONMENTAL IMPLICATIONS

Environmental Implications not identified.

ALTERNATIVES

Regional Council may choose not to adopt By-law A-501 or Administrative Order 2016-003-ADM. This is not recommended for the reasons outlined in the report.

ATTACHMENTS

Attachment A – Showing Proposed Changes to By-law A-500
Attachment B – Amending By-law A-501
Attachment C – Incorporating Proposed Changes to By-law A-500
Attachment D – Showing Proposed Changes to By-law E-200, the *Encroachment By-law*
Attachment E – Showing Proposed Changes to By-law B-201, the *Building By-law*
Attachment F – Showing Proposed Changes to By-law S-300, the *Streets By-law*
Attachment G – Administrative Order 2016-003-ADM
Attachment H – Construction Site Management Technical Guideline
Attachment I – Summary of Community Engagement

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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**HALIFAX REGIONAL MUNICIPALITY
BY-LAW A-500**

RESPECTING THE BY-LAW TO AMEND BY-LAWS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the Halifax Regional Municipality Charter, 2008, c39 including Section 188 as follows:

SHORT TITLE

1. This by-law will be known as by-law Number A-500 and may be cited as the “Amending By-law”.

E-200 ENCROACHMENT BY-LAW

2. The Encroachment By-law is amended as follows:
 - (1) Inserting the following defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (2) In Subsection (2) of Section 8 by:
 - (a) deleting the words “Where the encroachment is located in an area of the municipality where there exists a community council”;
 - (b) deleting the words “and in all other cases, the appeal shall be to the Council”;
 - (c) deleting and replacing the words “community council” with “Appeals Committee”; and
 - (d) deleting and replacing the lower case letter “t” with the upper case letter “T” in the sentence beginning with the phrase “The appeal shall be to”.
 - (3) In Subsection (4) of Section 8 by:
 - (a) deleting and replacing the word “Council” with the phrase “The Appeals Committee”: and
 - (b) adding after the word “license” the phrase “upon such terms and conditions that the Appeals Committee determines may be appropriate.”
 - (4) In Subsection (5) of Section 8 by:

Attachment A
(Showing Proposed Changes to A-500)

- (a) inserting the phrase “If the” at the beginning of the sentence; and
- (b) deleting the phrase “Council or community council” and replacing with the words “Appeals Committee”.

(5) in section 2, adding the following clause immediately after clause (f) and before clause (g):

(fa) "owner" includes

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and

(ii) in the absence of proof to the contrary, the person or persons assessed for the property;

(6) In clause (g) of section 2:

(a) striking out the words, “includes a corporation” immediately after the word “person”, and

(b) adding the following immediately after the word “person”

means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the Halifax Regional Municipality Charter, and includes the heirs, executors or other legal representatives of a person, or owner;

(7) In subclause (ii) of section 4 by adding the word “and” immediately after the semicolon at the end of the subclause.

(8) In subclause (iii) of section 4 by:

(a) striking out the semicolon at the end of the subclause, and

(b) adding a period at the end of the subclause.

(9) Repealing subclause (iv) of section 4.

(10) Adding the following section immediately after subclause 4(b)(iii) and before section 5:

4A The Engineer may authorize a temporary encroachment in association with construction, demolition or restoration of a structure abutting a street if the Engineer is satisfied that the temporary encroachment complies with the conditions set out in Administrative Order 2016-003-ADM and such further conditions as may be imposed by the Engineer in the interest of public safety.

- (11) Adding the following sections immediately after subsection (3) of section 7 and before section 8:

Orders by the Engineer

7A (1) If after an inspection, the Engineer is satisfied that in some respect the encroachment is not constructed or maintained in compliance with the conditions of the encroachment license, the Engineer shall serve or cause to be served to the owner(s) of the encroachment license, an Order to comply.

(2) Every Order shall contain:

(a) the standards to which the encroachment does not comply;

(b) the date after which the encroachment will be subject to a re-inspection to confirm compliance with the Order; and

(c) the action that will be taken against the owner, should the encroachment not comply to the prescribed standards at the time of the re-inspection.

(3) Where an Order has been served upon an owner, and the owner provides the Engineer with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Engineer may accept or amend the schedule at which time the schedule will become a part of the Order.

(4) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Engineer may enter upon the property and carry out the work specified in the Order.

- (12) In subsection (2) of section 9 by:

(a) striking out the comma after the word "encroachment" and before the word "and", and

(b) striking out the words "and the cost of the removal may be recovered from such owner by action in any court of competent jurisdiction" at the end of the subsection.

- (13) By adding the following sections immediately after subsection (3) of section 9 and before section 10:

Cost of Work

9A If the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to section 7A or subsection 9(2) the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

9B In addition to any other remedies at law, if the Council, a committee, the Engineer, Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

9C (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.

(2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

D-300 DERELICT BUILDINGS BY-LAW

3. The Derelict Buildings By-law is amended as follows:

(1) In the enacting statement by:

- (a) deleting the phrase "section 172 and Part XV of"; and
- (b) deleting the phrase the "Municipal Government Act" and replacing with the phrase "Halifax Regional Municipality Charter, 2008, c.39 including Section 188".

(2) Inserting the defined term:

"Appeals Committee" means the Appeal Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

(3) In Section 5 by:

deleting the phrase "Dangerous or Unsightly Premises Committee of the

Municipality” and replacing with the phrase “Appeals Committee”.

T-600 TREE BY-LAW

4. The Tree By-law is amended as follows:

(1) In the enacting statement by:

- (a) deleting the phrase “Section 118 (2) (a) of”;
- (b) deleting the word “Act” and replacing with the word “Charter”;
- (c) deleting the year 1995 and replacing with the year 2008; and
- (d) deleting the phrase “R.S.N.S., Chapter 3” and replacing with the designator c.39.

(2) Inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

(3) In Subsection (2) of Section 4 by:

deleting the word “Council” and replacing with the phrase “Appeals Committee”;

(4) In Subsection (4) of Section 4 by:

deleting the word “Council” and replacing with the phrase “Appeals Committee”.

L-200 C & D MATERIALS RECYCLING AND DISPOSAL LICENSE BY-LAW

5. The C & D Materials Recycling and Disposal License By-law is amended as follows:

(1) By inserting the phrase

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

(2) In Subsection (1) of Section 7 by:

- (a) adding the letter “s” to the word Appeal; and
- (b) deleting the phrase “of Regional Council”.

- (3) In Subsection (4) of Section 7 by:
Adding the letter “s” to the word “Appeal”.
- (4) In Subsection (5) of Section 7 by:
Adding the letter “s” to the word “Appeal”.

P-600 MUNICIPAL PARKS BY-LAW

6. The Municipal Parks By-law is amended as follows:
 - (1) By inserting the defined term:
“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (2) By amending Subsection (2) of the un-numbered section on page 5 entitled “Appeal Procedure” by:
deleting the word “Council” and replacing with the phrase “Appeals Committee”.
 - (3) By amending Subsection (4) of the un-numbered section on page 5 entitled “Appeal Procedure” by:
 - (a) Numbering the section by inserting “16A”;
 - (b) deleting the word “Council” and replacing with the phrase “Appeals Committee”.

M-100 STANDARDS FOR RESIDENTIAL OCCUPANCIES BY-LAW

7. The Standards for Residential Occupancies By-law is amended as follows:
 - (1) In the enacting statement by:
 - (a) adding the phrase “Pursuant to” at the beginning of the statement;
 - (b) deleting the phrase “Section 181 of the Municipal Government Act” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008, c.39, including Section 188”.
 - (2) By inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

- (3) In Subsection (4) of Section 7 by:
 - (a) deleting the phrase “Dangerous or Unsightly Premises Committee of the “ and replacing with the phrase “Appeals Committee”; and
 - (b) deleting the word “Municipality”.
- (4) In Subsection (8) of Section 31 by:

deleting the phrase “License Appeals Committee of the Municipality” and replacing with the phrase “Appeals Committee”.

S-800 TEMPORARY SIGNS BY-LAW

8. The By-law for Temporary Signs is amended as follows:
 - (1) In the enacting statement by:

deleting the phrase “Section 172 of the Municipal Government Act” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008 c.39 including Section 188” as follows:
 - (2) By inserting the defined term:

“Appeals Committee” means the Appeal Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (3) In Subsection 9.1 of Part 9 by:
 - (a) deleting the abbreviation “HRM”; and
 - (b) deleting the phrase “pursuant to the provisions of By-law A-100, Respecting License and Permit Appeals”.

T-108 THE REGULATION OF TAXIS AND LIMOUSINES BY-LAW

9. The Regulation of Taxis and Limousines By-law is amended as follows:
 - (1) In the defined term “committee” by:
 - (a) capitalizing the word “committee” to “Committee”; and

- (b) capitalizing the word “by-law” to “By-law”.

S-900 CONTROLLED ACCESS STREETS BY-LAW

10. The Controlled Access Streets By-law is amended as follows:

- (1) In the enacting statement by:

deleting the phrase “section 309 (4) of the Municipal Government Act, being Chapter 18 of the Statutes of Nova Scotia, 1998” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008, c.39 including Section 188”.

- (2) By inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

- (3) In Subsection (2) of Section 12 by:

adding the letter “s” to the word “Appeal”.

- (4) In Subsection (4) of Section 12 by:

adding the letter “s” to the words “Appeal”.

S-300 STREETS BY-LAW

11. The Streets By-law is amended as follows:

- (1) By inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

- (2) In Subsection (2) of Section 42 by:

adding the letter “s” to the word “Appeal”.

- (3) In Subsection (4) of Section 42 by:

adding the letter “s” to the words “Appeal”.

- (4) In section 3 by:

Attachment A
(Showing Proposed Changes to A-500)

(a) adding the following definition immediately after the definition for “abutter” and before the definition for “construct”:

(aa) “applicant” means any person who makes an application for, and obtains, any permit under the provisions of this by-law;

(b) adding the following definition immediately after the definition for “construct” and before the definition for “core area”:

(ba) “contractor” includes any person who, for another person, carries out work or supplies labour for the alteration, construction, demolition, excavation, or development of land or a structure;

(c) adding the following immediately after the definition for “owner” and before the definition for “public tree”:

(la) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;

(5) In section 23 by adding the following subsection immediately after subsection (2):

(3) Where the activity is in association with a construction, demolition or restoration project on property abutting a street, the Streets and Services permit shall include the name of the contractor engaged in work in the right of way, if different from the applicant.

(6) In section 24 by:

(a) adding the words “or contractor” immediately after the word “applicant” and before the word “will” in the first line of subsection (2), and

(b) adding the following subsection immediately after subsection (3):

(4) Subject to subsection (3) if the permit is in association with a construction, demolition or restoration project on property abutting a street, the balance with interest at the rate determine by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.

(7) In section 26 by:

- (a) striking out the words “permit holder” in the second and fourth lines in subsection (1);
- (b) adding the words “applicant, contractor” after the word “the” and before the word “or” in the second and fourth lines in subsection (1);
- (c) striking the words “permit holder” after the word “the and before the word “or” in subsection (2); and
- (d) adding the words “applicant, contractor” after the word “the” and before the word “or” in subsection (2).

(8) In section 28 by:

- (a) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (b);
- (b) adding the words “or contractor” after the word “applicant” and before the word “to” in the second line of clause (d);
- (c) adding the words “or contractor” after the word “applicant” and before the semicolon at the end of clause (d);
- (d) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (e);
- (e) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (f);
- (f) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (g);
- (g) adding numbering for clause (h) immediately after clause (g) and before subclause (i);
- (h) adding the words “or contractor” after the word “applicant” and before the word “shall” in subclause (i);
- (i) striking out the word “and” at the end of clause (j);
- (j) striking out the period at the end of clause (k);
- (k) adding a semicolon and the word “and” at the end of clause (k); and
- (l) adding the following clause immediately after clause (k)

(l) the Engineer may require the completion of a Construction Management Plan as set out in Administrative Order 2016-003-ADM.

B-201 BUILDING BY-LAW

12. The Building By-law is amended as follows:

(1) Subsection (2) of section 2 is amended by:

- (a) striking out the period at the end of clause (c);
- (b) adding a semicolon and the word “and” at the end of clause (c); and
- (c) adding the following immediately after clause (c):

(d) "CMP" means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM.

(2) Section 5 is amended by adding the following immediate after subsection (2) and before subsection (3):

(2A) An application for a Demolition Permit shall include a CMP.

(3) Appendix C is amended by:

(a) striking out the number "5" in the brackets in the second line of the first paragraph;

(b) adding the number "3" in the brackets in the second line of the first paragraph; and

(c) adding the following section immediately after section 5:

6. **Construction Management Plan (CMP)** – a detailed construction management plan prepared in accordance with Administrative Order 2016-003-ADM.

Done and passed in Council this 17th day of April, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on April 17, 2012.

Cathy Mellett, Municipal Clerk

Notice of Motion:

March 20, 2012

First Reading:

March 27, 2012

Notice of Second Reading Publication:

March 31, 2012

Second Reading:

April 17, 2012

Approval by Service Nova Scotia and Municipal Relations:

N/A

Effective Date:

April 21, 2012

Attachment A
(Showing Proposed Changes to A-500)

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW A-501
RESPECTING THE AMENDMENT OF BY-LAW A-500
THE AMENDING BY-LAW**

BE IT ENACTED by the Council of Halifax Regional Municipality that By-Law A-500, the *Amending By-law*, is amended as follows:

1. by adding the following subsections after subsection (4) of section 2:
 - (5) in section 2, adding the following clause immediately after clause (f) and before clause (g):
 - (fa) "owner" includes
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and
 - (ii) in the absence of proof to the contrary, the person or persons assessed for the property;
 - (6) In clause (g) of section 2:
 - (a) striking out the words, "includes a corporation" immediately after the word "person", and
 - (b) adding the following immediately after the word "person"

means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the Halifax Regional Municipality Charter, and includes the heirs, executors or other legal representatives of a person, or owner;
 - (7) In subclause (ii) of section 4 by adding the word "and" immediately after the semicolon at the end of the subclause.
 - (8) In subclause (iii) of section 4 by:
 - (a) striking out the semicolon at the end of the subclause, and
 - (b) adding a period at the end of the subclause.
 - (9) Repealing subclause (iv) of section 4.
 - (10) Adding the following section immediately after subclause 4(b)(iii) and before section 5:
 - 4A The Engineer may authorize a temporary encroachment in association with construction, demolition or restoration of a structure abutting a street if the Engineer is satisfied that the temporary encroachment complies with the conditions set out in Administrative Order 2016-003-ADM and such further conditions as may be imposed by the Engineer in the interest of public safety.

- (11) Adding the following sections immediately after subsection (3) of section 7 and before section 8:

Orders by the Engineer

- 7A (1) If after an inspection, the Engineer is satisfied that in some respect the encroachment is not constructed or maintained in compliance with the conditions of the encroachment license, the Engineer shall serve or cause to be served to the owner(s) of the encroachment license, an Order to comply.
- (2) Every Order shall contain:
- (a) the standards to which the encroachment does not comply;
 - (b) the date after which the encroachment will be subject to a re-inspection to confirm compliance with the Order; and
 - (c) the action that will be taken against the owner, should the encroachment not comply to the prescribed standards at the time of the re-inspection.
- (3) Where an Order has been served upon an owner, and the owner provides the Engineer with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Engineer may accept or amend the schedule at which time the schedule will become a part of the Order.
- (4) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Engineer may enter upon the property and carry out the work specified in the Order.

- (12) In subsection (2) of section 9 by:

- (a) striking out the comma after the word “encroachment” and before the word “and”, and
- (b) striking out the words “and the cost of the removal may be recovered from such owner by action in any court of competent jurisdiction” at the end of the subsection.

- (13) By adding the following sections immediately after subsection (3) of section 9 and before section 10:

Cost of Work

- 9A If the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to section 7A or subsection 9(2) the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

- 9B In addition to any other remedies at law, if the Council, a committee, the Engineer, Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

- 9C (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.
- (2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

2. by adding the following subsections immediately after subsection (3) of section 11:

- (4) In section 3 by:
- (a) adding the following definition immediately after the definition for “abutter” and before the definition for “construct”:
 - (aa) “applicant” means any person who makes an application for, and obtains, any permit under the provisions of this by-law;
 - (b) adding the following definition immediately after the definition for “construct” and before the definition for “core area”:
 - (ba) “contractor” includes any person who, for another person, carries out work or supplies labour for the alteration, construction, demolition, excavation, or developmet of land or a structure;
 - (c) adding the following immediately after the definition for “owner” and before the definition for “public tree”:
 - (la) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;
- (5) In section 23 by adding the following subsection immediately after subsection (2):
- (3) Where the activity is in association with a construction, demolition or restoration project on property abutting a street, the Streets and Services permit shall include the name of the contractor engaged in work in the right of way, if different from the applicant.
- (6) In section 24 by:

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(Amending By-law)

- (a) adding the words “or contractor” immediately after the word “applicant” and before the word “will” in the first line of subsection (2), and
 - (b) adding the following subsection immediately after subsection (3):
 - (4) Subject to subsection (3) if the permit is in association with a construction, demolition or restoration project on property abutting a street, the balance with interest at the rate determine by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.
- (7) In section 26 by:
- (a) striking out the words “permit holder” in the second and fourth lines in subsection (1);
 - (b) adding the words “applicant, contractor” after the word “the” and before the word “or” in the second and fourth lines in subsection (1);
 - (c) striking the words “permit holder” after the word “the and before the word “or” in subsection (2); and
 - (d) adding the words “applicant, contractor” after the word “the” and before the word “or” in subsection (2).
- (8) In section 28 by:
- (a) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (b);
 - (b) adding the words “or contractor” after the word “applicant” and before the word “to” in the second line of clause (d);
 - (c) adding the words “or contractor” after the word “applicant” and before the semicolon at the end of clause (d);
 - (d) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (e);
 - (e) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (f);
 - (f) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (g);
 - (g) adding numbering for clause (h) immediately after clause (g) and before subclause (i);
 - (h) adding the words “or contractor” after the word “applicant” and before the word “shall” in subclause (i);
 - (i) striking out the word “and at the end of clause (j);
 - (j) striking out the period at the end of clause (k);
 - (k) adding a semicolon and the word “and” at the end of clause (k); and
 - (l) adding the following clause immediately after clause (k)

(l) the Engineer may require the completion of a Construction Management Plan as set out in Administrative Order 2016-003-ADM.

3. by adding:

(a) the following title immediately after the new subsection (8) of section 11:

“B-201 BUILDING BY-LAW”

(b) the following section immediately after the new title line:

12. The Building By-law is amended as follows:

(1) Subsection (2) of section 2 is amended by

- (a) striking out the period at the end of clause (c);
- (b) adding a semicolon and the word “and” at the end of clause (c); and
- (c) adding the following immediately after clause (c):

(d) “CMP” means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM.

(2) Section 5 is amended by adding the following immediate after subsection (2) and before subsection (3):

(2A) An application for a Demolition Permit shall include a CMP.

(3) Appendix C is amended by:

- (a) striking out the number “5” in the brackets in the second line of the first paragraph;
- (b) adding the number “3” in the brackets in the second line of the first paragraph; and
- (c) adding the following section immediately after section 5:

6. **Construction Management Plan (CMP)** – a detailed construction management plan prepared in accordance with Administrative Order 2016-003-ADM.

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW A-500**

RESPECTING THE BY-LAW TO AMEND BY-LAWS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the Halifax Regional Municipality Charter, 2008, c39 including Section 188 as follows:

SHORT TITLE

1. This by-law will be known as by-law Number A-500 and may be cited as the “Amending By-law”.

E-200 ENCROACHMENT BY-LAW

2. The Encroachment By-law is amended as follows:
 - (1) Inserting the following defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (2) In Subsection (2) of Section 8 by:
 - (a) deleting the words “Where the encroachment is located in an area of the municipality where there exists a community council”;
 - (b) deleting the words “and in all other cases, the appeal shall be to the Council”;
 - (c) deleting and replacing the words “community council” with “Appeals Committee”; and
 - (d) deleting and replacing the lower case letter “t” with the upper case letter “T” in the sentence beginning with the phrase “The appeal shall be to”.
 - (3) In Subsection (4) of Section 8 by:
 - (a) deleting and replacing the word “Council” with the phrase “The Appeals Committee”: and
 - (b) adding after the word “license” the phrase “upon such terms and conditions that the Appeals Committee determines may be appropriate.”
 - (4) In Subsection (5) of Section 8 by:

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(Incorporating Proposed Changes to A-500)

- (a) inserting the phrase “If the” at the beginning of the sentence; and
 - (b) deleting the phrase “Council or community council” and replacing with the words “Appeals Committee”.
- (5) in section 2, adding the following clause immediately after clause (f) and before clause (g):
- (fa) "owner" includes
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and
 - (ii) in the absence of proof to the contrary, the person or persons assessed for the property;
- (6) In clause (g) of section 2:
- (a) striking out the words, “includes a corporation” immediately after the word “person”, and
 - (b) adding the following immediately after the word “person”
 - means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the Halifax Regional Municipality Charter, and includes the heirs, executors or other legal representatives of a person, or owner;
- (7) In subclause (ii) of section 4 by adding the word “and” immediately after the semicolon at the end of the subclause.
- (8) In subclause (iii) of section 4 by:
- (a) striking out the semicolon at the end of the subclause, and
 - (b) adding a period at the end of the subclause.
- (9) Repealing subclause (iv) of section 4.
- (10) Adding the following section immediately after subclause 4(b)(iii) and before section 5:
- 4A The Engineer may authorize a temporary encroachment in association with construction, demolition or restoration of a structure abutting a street if the Engineer is satisfied that the temporary encroachment complies with the conditions set out in Administrative Order 2016-003-ADM and such further conditions as may be imposed by the Engineer in the interest of public safety.

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- (11) Adding the following sections immediately after subsection (3) of section 7 and before section 8:

Orders by the Engineer

- 7A (1) If after an inspection, the Engineer is satisfied that in some respect the encroachment is not constructed or maintained in compliance with the conditions of the encroachment license, the Engineer shall serve or cause to be served to the owner(s) of the encroachment license, an Order to comply.
- (2) Every Order shall contain:
- (a) the standards to which the encroachment does not comply;
- (b) the date after which the encroachment will be subject to a re-inspection to confirm compliance with the Order; and
- (c) the action that will be taken against the owner, should the encroachment not comply to the prescribed standards at the time of the re-inspection.
- (3) Where an Order has been served upon an owner, and the owner provides the Engineer with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Engineer may accept or amend the schedule at which time the schedule will become a part of the Order.
- (4) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Engineer may enter upon the property and carry out the work specified in the Order.

- (12) In subsection (2) of section 9 by:

- (a) striking out the comma after the word “encroachment” and before the word “and”, and
- (b) striking out the words “and the cost of the removal may be recovered from such owner by action in any court of competent jurisdiction” at the end of the subsection.

- (13) By adding the following sections immediately after subsection (3) of section 9 and before section 10:

Cost of Work

- 9A If the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to section 7A or subsection 9(2) the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.
- 9B In addition to any other remedies at law, if the Council, a committee, the Engineer, Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

- 9C (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.
- (2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

D-300 DERELICT BUILDINGS BY-LAW

3. The Derelict Buildings By-law is amended as follows:

- (1) In the enacting statement by:
- (a) deleting the phrase “section 172 and Part XV of”; and
 - (b) deleting the phrase the “Municipal Government Act” and replacing with the phrase “Halifax Regional Municipality Charter, 2008, c.39 including Section 188”.
- (2) Inserting the defined term:
- “Appeals Committee” means the Appeal Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
- (3) In Section 5 by:
- deleting the phrase “Dangerous or Unsightly Premises Committee of the

Municipality” and replacing with the phrase “Appeals Committee”.

T-600 TREE BY-LAW

4. The Tree By-law is amended as follows:

(1) In the enacting statement by:

- (a) deleting the phrase “Section 118 (2) (a) of”;
- (b) deleting the word “Act” and replacing with the word “Charter”;
- (c) deleting the year 1995 and replacing with the year 2008; and
- (d) deleting the phrase “R.S.N.S., Chapter 3” and replacing with the designator c.39.

(2) Inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

(3) In Subsection (2) of Section 4 by:

deleting the word “Council” and replacing with the phrase “Appeals Committee”;

(4) In Subsection (4) of Section 4 by:

deleting the word “Council” and replacing with the phrase “Appeals Committee”.

L-200 C & D MATERIALS RECYCLING AND DISPOSAL LICENSE BY-LAW

5. The C & D Materials Recycling and Disposal License By-law is amended as follows:

(1) By inserting the phrase

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

(2) In Subsection (1) of Section 7 by:

- (a) adding the letter “s” to the word Appeal; and
- (b) deleting the phrase “of Regional Council”.

- (3) In Subsection (4) of Section 7 by:
Adding the letter “s” to the word “Appeal”.
- (4) In Subsection (5) of Section 7 by:
Adding the letter “s” to the word “Appeal”.

P-600 MUNICIPAL PARKS BY-LAW

6. The Municipal Parks By-law is amended as follows:

- (1) By inserting the defined term:
“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
- (2) By amending Subsection (2) of the un-numbered section on page 5 entitled “Appeal Procedure” by:
deleting the word “Council” and replacing with the phrase “Appeals Committee”.
- (3) By amending Subsection (4) of the un-numbered section on page 5 entitled “Appeal Procedure” by:
 - (a) Numbering the section by inserting “16A”;
 - (b) deleting the word “Council” and replacing with the phrase “Appeals Committee”.

M-100 STANDARDS FOR RESIDENTIAL OCCUPANCIES BY-LAW

7. The Standards for Residential Occupancies By-law is amended as follows:

- (1) In the enacting statement by:
 - (a) adding the phrase “Pursuant to” at the beginning of the statement;
 - (b) deleting the phrase “Section 181 of the Municipal Government Act” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008, c.39, including Section 188”.
- (2) By inserting the defined term:

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“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

- (3) In Subsection (4) of Section 7 by:
 - (a) deleting the phrase “Dangerous or Unsightly Premises Committee of the “ and replacing with the phrase “Appeals Committee”; and
 - (b) deleting the word “Municipality”.
- (4) In Subsection (8) of Section 31 by:

deleting the phrase “License Appeals Committee of the Municipality” and replacing with the phrase “Appeals Committee”.

S-800 TEMPORARY SIGNS BY-LAW

8. The By-law for Temporary Signs is amended as follows:
 - (1) In the enacting statement by:

deleting the phrase “Section 172 of the Municipal Government Act” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008 c.39 including Section 188” as follows:
 - (2) By inserting the defined term:

“Appeals Committee” means the Appeal Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (3) In Subsection 9.1 of Part 9 by:
 - (a) deleting the abbreviation “HRM”; and
 - (b) deleting the phrase “pursuant to the provisions of By-law A-100, Respecting License and Permit Appeals”.

T-108 THE REGULATION OF TAXIS AND LIMOUSINES BY-LAW

9. The Regulation of Taxis and Limousines By-law is amended as follows:
 - (1) In the defined term “committee” by:
 - (a) capitalizing the word “committee” to “Committee”; and

- (b) capitalizing the word “by-law” to “By-law”.

S-900 CONTROLLED ACCESS STREETS BY-LAW

10. The Controlled Access Streets By-law is amended as follows:

- (1) In the enacting statement by:

deleting the phrase “section 309 (4) of the Municipal Government Act, being Chapter 18 of the Statutes of Nova Scotia, 1998” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008, c.39 including Section 188”.

- (2) By inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

- (3) In Subsection (2) of Section 12 by:

adding the letter “s” to the word “Appeal”.

- (4) In Subsection (4) of Section 12 by:

adding the letter “s” to the words “Appeal”.

S-300 STREETS BY-LAW

11. The Streets By-law is amended as follows:

- (1) By inserting the defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

- (2) In Subsection (2) of Section 42 by:

adding the letter “s” to the word “Appeal”.

- (3) In Subsection (4) of Section 42 by:

adding the letter “s” to the words “Appeal”.

- (4) In section 3 by:

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- (a) adding the following definition immediately after the definition for “abutter” and before the definition for “construct”:
 - (aa) “applicant” means any person who makes an application for, and obtains, any permit under the provisions of this by-law;
- (b) adding the following definition immediately after the definition for “construct” and before the definition for “core area”:
 - (ba) “contractor” includes any person who, for another person, carries out work or supplies labour for the alteration, construction, demolition, excavation, or development of land or a structure;
- (c) adding the following immediately after the definition for “owner” and before the definition for “public tree”:
 - (la) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;
- (5) In section 23 by adding the following subsection immediately after subsection (2):
 - (3) Where the activity is in association with a construction, demolition or restoration project on property abutting a street, the Streets and Services permit shall include the name of the contractor engaged in work in the right of way, if different from the applicant.
- (6) In section 24 by:
 - (a) adding the words “or contractor” immediately after the word “applicant” and before the word “will” in the first line of subsection (2), and
 - (b) adding the following subsection immediately after subsection (3):
 - (4) Subject to subsection (3) if the permit is in association with a construction, demolition or restoration project on property abutting a street, the balance with interest at the rate determine by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.
- (7) In section 26 by:

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- (a) striking out the words “permit holder” in the second and fourth lines in subsection (1);
 - (b) adding the words “applicant, contractor” after the word “the” and before the word “or” in the second and fourth lines in subsection (1);
 - (c) striking the words “permit holder” after the word “the and before the word “or” in subsection (2); and
 - (d) adding the words “applicant, contractor” after the word “the” and before the word “or” in subsection (2).
- (8) In section 28 by:
- (a) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (b);
 - (b) adding the words “or contractor” after the word “applicant” and before the word “to” in the second line of clause (d);
 - (c) adding the words “or contractor” after the word “applicant” and before the semicolon at the end of clause (d);
 - (d) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (e);
 - (e) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (f);
 - (f) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (g);
 - (g) adding numbering for clause (h) immediately after clause (g) and before subclause (i);
 - (h) adding the words “or contractor” after the word “applicant” and before the word “shall” in subclause (i);
 - (i) striking out the word “and” at the end of clause (j);
 - (j) striking out the period at the end of clause (k);
 - (k) adding a semicolon and the word “and” at the end of clause (k); and
 - (l) adding the following clause immediately after clause (k)
 - (l) the Engineer may require the completion of a Construction Management Plan as set out in Administrative Order 2016-003-ADM.

B-201 BUILDING BY-LAW

12. The Building By-law is amended as follows:

- (1) Subsection (2) of section 2 is amended by
 - (a) striking out the period at the end of clause (c);
 - (b) adding a semicolon and the word “and” at the end of clause (c); and
 - (c) adding the following immediately after clause (c):

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(Incorporating Proposed Changes to A-500)

- (d) "CMP" means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM.
- (2) Section 5 is amended by adding the following immediate after subsection (2) and before subsection (3):
 - (2A) An application for a Demolition Permit shall include a CMP.
- (3) Appendix C is amended by:
 - (a) striking out the number "5" in the brackets in the second line of the first paragraph;
 - (b) adding the number "3" in the brackets in the second line of the first paragraph; and
 - (c) adding the following section immediately after section 5:
 - 6. **Construction Management Plan (CMP)** – a detailed construction management plan prepared in accordance with Administrative Order 2016-003-ADM.

Done and passed in Council this 17th day of April, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on April 17, 2012.

Notice of Motion:

First Reading:

Notice of Second Reading Publication:

Second Reading:

Approval by Service Nova Scotia and Municipal Relations:

Effective Date:

Cathy Mellett, Municipal Clerk

March 20, 2012

March 27, 2012

March 31, 2012

April 17, 2012

N/A

April 21, 2012

Attachment C
(Incorporating Proposed Changes to A-500)

**HALIFAX REGIONAL MUNICIPALITY
BY- LAW E - 200**

**RESPECTING ENCROACHMENTS UPON,
UNDER OR OVER A STREET**

BE IT ENACTED by the Council of the Halifax Regional Municipality as follows:

Number and Short Title

1 This bylaw shall be known as By-law E - 200 and may be cited as the “Encroachment By-law”.

Definitions

2 In this bylaw:

- (a) “Council” means the Council of the Halifax Regional Municipality;
- (b) “encroachment” means a structure or facility upon, under or over a street and also includes any portion of the street required by the encroachment as a clearance from other structures by good engineering practice;
- (c) “Engineer” means the Engineer for the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer;
- (d) “facility” means any pole, pole lines (including braces and anchors), aerial cables, manholes, conduits, underground cables, pipes for the carriage of gas or liquids, and associated apparatus for the provisions of services, including amplifiers, connection panels, transformers, valves, and other fittings and equipment;
- (e) “Inspector” means the Building Inspector for the Municipality;
- (f) “municipality” means the Halifax Regional Municipality;
- (fa) "owner" includes
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and
 - (ii) in the absence of proof to the contrary, the person or persons assessed for the property;
- (g) “person” **includes a corporation** means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the Halifax Regional Municipality

Attachment D
(Showing Proposed Changes to By-law E-200)

Charter, and includes the heirs, executors or other legal representatives of a person, or owner;

- (h) “street” includes a public alley, boulevard, bridge, court, footway, highway, lane, park, place, sidewalk, square and any part thereof, owned by the municipality;
- (i) “structure” includes any building, bridge, pedway, balcony, bay window, elevator, fence, foundation wall, grating, hatch, hatchway, loading platform, manhole, porch, portico, railing, retaining wall, sign attached to a building, step, storage tank, tunnel, vault, veranda, or any part thereof;
- (j) “Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

License Required

- 3 No person shall construct or maintain any encroachment or make use of a street for construction or restoration purposes in the municipality unless an encroachment license has been issued by the municipality.

Approval Required

- 4 An encroachment license shall not be issued unless the Council authorizes such encroachment

except for the following, which may be issued by the Inspector without the authorization of Council:

- (i) canopies- for commercial, industrial and institutional buildings only and to be restricted in width to not more than the entrance width plus six feet for a period of 5 years, renewable after inspection;
- (ii) awnings and signs attached to a building - for commercial, industrial and institutional buildings only and to be restricted to not more than the width of the building, or in the case of a corner installation, not more than the width of the building plus the width of the awning only issued for a period of 5 years, renewable after inspection; and
- (iii) steps, foundations and other structures - for buildings where steps, foundations and other building features must encroach, or where an encroachment already exists, the area of encroachment may be increased provided there is no additional encroachment toward the curb for a period of 5 years, renewable after inspection;
- ~~(iv) the use of any portion of a street in association with a construction or restoration project where the use of the portion of the street is~~

Attachment D
(Showing Proposed Changes to By-law E-200)

~~required, in the opinion of the Inspector or the Engineer, for public safety.~~

- (b) except for the following, which may be issued by the Engineer without the authorization of Council:
 - (i) telephone booths - provided the free flow of pedestrians is not impeded, a traffic hazard is not created, and the location is acceptable to the municipal department using the property for a period of 5 years, renewable after inspection.
 - (ii) underground communications conduit, and manholes to service the conduit, provided that the installation and use of the telecommunications cable will not interfere with the proper operation and maintenance of existing underground utilities, nor interfere with planned street works.
 - (iii) sandwich board signs - located on a public sidewalk, as may be permitted under Section 7 of By-law S-800, The Sign By-law.

4A The Engineer may authorize a temporary encroachment in association with construction, demolition or restoration of a structure abutting a street if the Engineer is satisfied that the temporary encroachment complies with the conditions set out in Administrative Order 2016-003-ADM and such further conditions as may be imposed by the Engineer in the interest of public safety.

Encroachment License

- 5
- (1) Every encroachment license shall indicate:
 - (a) the type of encroachment authorized;
 - (b) the civic address where such encroachment is authorized;
 - (c) the length of time for which such encroachment is authorized; and
 - (d) such terms and conditions as may be necessary in the opinion of Council, the Inspector or the Engineer.
 - (2) The fee for an encroachment license shall be as prescribed by Administrative Order 15.
 - (3) No license fee shall be payable for the renewal of a license.
 - (4) The Council may, in its sole discretion, cancel an encroachment license at any time, without notice.

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- (5) Without restricting the generality of subsection (4), those licenses listed in paragraphs 4(a)(i) to (iii) inclusive, may be cancelled by the municipality upon breach of any term or condition subject to which the license is issued, at any time, without notice.

Annual Rental Fee

- 6 In addition to the license fee, the owner of an encroachment shall pay rental fees as prescribed by Administrative Order Number 15.

Exceptions

- 7 (1) The provisions of this bylaw shall not apply to an encroachment by the Halifax Regional Water Commission or the Halifax-Dartmouth Bridge Commission.
- (2) Where the provision for payment of an encroachment fee is made by special statute as in the case Nova Scotia Power Inc. and the Maritime Telegraph and Telephone Company, the provisions of Sections 5(2) and 6 shall not apply.
- (3) License fees or rental fees, with the exception of temporary rental fees, shall not be payable in respect of any encroaching structure which existed
 - (a) in the former City of Halifax on May 15, 1965, or
 - (b) in the remainder of the municipality on the effective date of this bylawor to any repair or replacement of the encroaching structure that does not increase the amount of the encroachment.

Orders by the Engineer

- 7A (1) If after an inspection, the Engineer is satisfied that in some respect the encroachment is not constructed or maintained in compliance with the conditions of the encroachment license, the Engineer shall serve or cause to be served to the owner(s) of the encroachment license, an Order to comply.
- (2) Every Order shall contain:
 - (a) the standards to which the encroachment does not comply;
 - (b) the date after which the encroachment will be subject to a re-inspection to confirm compliance with the Order; and
 - (c) the action that will be taken against the owner, should the encroachment not comply to the prescribed standards at the time of the re-inspection.
- (3) Where an Order has been served upon an owner, and the owner provides the

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Engineer with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Engineer may accept or amend the schedule at which time the schedule will become a part of the Order.

- (4) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Engineer may enter upon the property and carry out the work specified in the Order.

Appeals

- 8 (1) Any person who has been refused an Encroachment license by the Inspector or the Engineer may appeal such refusal.
- (2) The appeal shall be to the Appeals Committee.
- (3) Such appeal shall be in writing, in the form of a notice, and filed with the municipal clerk within 15 days of such refusal, and shall clearly state the grounds for such appeal.
- (4) The Appeals Committee shall determine such appeal at such time and place as it determines and may confirm such refusal by the Inspector or Engineer, as applicable, or direct the Inspector or Engineer, as applicable, to issue such license upon such terms and conditions that the Appeals Committee determines may be appropriate.
- (5) If the Appeals Committee directs the Inspector or Engineer, as applicable, to issue such license, the same shall be issued immediately.

Penalties

- 9 (1) Any encroachment which is not authorized by a current encroachment license shall be removed by the owner within 30 days after notice to remove the encroachment has been given to such owner by the Inspector or the Engineer.
- (2) If any owner fails to remove the encroachment within such 30 day period, the Inspector or Engineer may remove the encroachment, ~~and the cost of the removal may be recovered from such owner by action in any court of competent jurisdiction.~~
- (3) Any owner who fails to remove the encroachment within such 30 day period shall be liable to a penalty not less than \$100 not exceeding \$2,000 and, in default of payment thereof, to imprisonment for a period not exceeding 60 days.

Cost of Work

- 9A If the Council, a committee, the Inspector or another employee of the HRM causes work to

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(Showing Proposed Changes to By-law E-200)

be done pursuant to section 7A or subsection 9(2) the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.

9B In addition to any other remedies at law, if the Council, a committee, the Engineer, Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

9C (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.

(2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

Encroachment Agreements

10 Notwithstanding the provisions of this bylaw, Council may

- (a) enter into an agreement permitting any person to construct or maintain an encroachment upon such terms and conditions as Council may deem appropriate, and the provisions of this bylaw shall not apply to such encroachments provided that consideration for such agreement shall not be less than the fees payable by a licensee for a similar structure pursuant to subsection 5(2) and section 6 of this bylaw.
- (b) waive all or any of the fees otherwise payable pursuant to any provisions of this bylaw in respect of overhead pedways or underground pedestrian tunnels, if in the opinion of Council, the pedways or tunnels provide a public benefit.
- (c) enter into an agreement with a gas distribution company which has been approved by the Nova Scotia Utility and Review Board to distribute gas within the municipality, or communications company licensed by the Canadian Radio-television Telecommunications Commission, permitting the construction or maintenance of an encroachment upon such terms and conditions that Council may deem appropriate. The provisions of this by-law shall not apply to such encroachments, and the fees payable shall be determined by Council.

Done and passed in Council this 13th day of July, 1999

Mayor

Attachment D
(Showing Proposed Changes to By-law E-200)

Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-Law was passed at a meeting of Halifax Regional Council held on July 13, 1999.

Vi Carmichael, Municipal Clerk

BY-LAW E-200

Notice of Motion:	May 4, 1999
First Reading:	May 11, 1999
ANotice of Intent@ Publication:	May 15, 1999
Second Reading:	July 13, 1999
Effective Date:	July 17, 1999

Amendment # 1 (V-101)

Subsection (3) of Section 9

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
ANotice of Public Hearing@ Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

Amendment # 2 (E-201)

Section 4 (b)

Notice of Motion:	June 27, 2006
First Reading:	July 4, 2006
Notice of Public Hearing Publication:	August 26, 2006
Second Reading:	September 12, 2006

Notice of Approval by Service Nova Scotia and Municipal Relations: N/A
Effective Date: November 18, 2006

Amendment # 3 (E-202)

Sections 2 & 4

Notice of Motion: Waive April 7, 2009
First Reading: April 7, 2009
Notice of Public Hearing Publication: April 11, 2009
Second Reading: May 5, 2009
Approval by Service Nova Scotia and Municipal Relations: N/A
Effective Date: October 24, 2009

Amendment # 4 (A-500)

Amended Section 2 & 8

Notice of Motion: March 20, 2012
First Reading: March 27, 2012
Notice of Second Reading Publication: March 31, 2012
Second Reading: April 17, 2012
Approval by Service Nova Scotia and Municipal Relations: N/A
Effective Date: April 21, 2012

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER B-201

RESPECTING THE BUILDING CODE

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of the Building Code Act as follows:

1. This By-law shall be known as “By-law B-201” and shall be cited as the “Building By-Law”.

Definitions

2. (1) Unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations, and Nova Scotia Building Code also apply to this By-law.
 - (2) In this By-law
 - (a) “Authority having Jurisdiction” means any person appointed as a Building Inspector by the Council of the Halifax Regional Municipality;
 - (b) “Core area” means that portion of the Halifax Regional Municipality for which the Municipality has assumed responsibility for maintenance of public streets and is more particularly described in Agreement No. HRM-01 between the Halifax Regional Municipality and the Minister of Transportation & Public Works which became effective on June 24, 1996;
 - (c) “Temporary Building” means a building, or part thereof, which because of its nature will exist for a specified period of time as set out in the occupancy permit, and includes a tent, a portable office, and any other building referred to in 1.4.1.12.(1) of the Nova Scotia Building Code Regulations; and
 - (d) “CMP” means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM.

Application

3. This bylaw shall apply to the entire Halifax Regional Municipality.

Building Permit Application

4. (1) In addition to the requirements in the Nova Scotia Building Code Regulations, an application for a building permit shall include plans as set forth in:
 - (a) Appendix-A: Residential projects, except decks and accessory buildings, up to and including four units,
 - (b) Appendix-B: Leasehold improvements or alterations,
 - (c) Appendix-C: New commercial/industrial and multi-tenant residential projects,
 - (d) Appendix-D: Fences exceeding 6.5 feet (2m) in height
- (2) Permit fees shall be paid as prescribed in Bylaw F-200.
- (3) The Municipality may at its discretion, refuse to accept or process any application for which the required plans, information or fees have not been submitted.
- (4) No permit shall be issued until the appropriate fees have been paid.
- (5) Where an application has not been approved within 6 months after the application has been made, the application shall be canceled and 75% of any fees paid shall be refunded.
- (6) The Halifax Regional Municipality is exempt from the payment of building permit fees.
- (7) Notwithstanding subsection (2), within the Barrington Street Heritage Conservation District pursuant to By-law No. H-500, applications for additions, renovations, repairs and attached signs are exempt from the payment of building permit fees.

Demolition Permits

5. (1) An application for a Demolition Permit shall include proof of \$2 million public liability insurance coverage.
- (2) The proof of liability insurance coverage may be waived for the demolition of a single unit dwelling, a semi-detached dwelling and any buildings accessory thereto.
- (2A) An application for a Demolition Permit shall include a CMP.**
- (3) An application for a demolition permit shall include a description of the location or locations where the demolition debris will be disposed.
- (4) Immediately following demolition, the owner shall clean the property and remove all debris or other material to ensure the site conforms to Part XIII of the Halifax Regional Municipality Act.

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(Showing Proposed Changes to By-law B-201)

Building Permits

6. (1) A building permit may be withheld until the Building Inspector is satisfied that the provisions of the Planning Act, any regulations or bylaws enacted pursuant thereto including any Land Use Bylaw or Subdivision bylaw, the Heritage Property Act and any regulations or bylaws enacted pursuant thereto, any Lot Grading By-law or applicable Development Agreement have been complied with.
- (2) A building permit is valid for a period of 2 years from the date of issue.
- (3) If within 2 years of the date of issue,
 - (a) no work has taken place, the building permit shall be canceled and 75% of the original fee paid shall be refunded; or
 - (b) where the work has commenced but not been completed, a new application shall be completed and a fee paid based on the value of the work to be completed.
- (4) In addition to the requirements in the Nova Scotia Building Code Regulations, a building permit shall be obtained for:
 - (a) a change of use or tenant in buildings of other than residential occupancy, regardless of the extent of construction being undertaken;
 - (b) creation of additional units.

Occupancy Permits

7. (1) An occupancy permit is not required for any building or occupancy in existence prior to the coming into effect of the Nova Scotia Building Code Act, as shown on the assessment record for the property as of April 1, 1987.
- (2) An occupancy permit shall not be issued for any building or part thereof unless a valid building permit is in effect.
- (3) Except for a change of a residential tenant, no person shall occupy a building after a change of use or tenant, including any change in the number of either commercial or residential units, without first obtaining an occupancy permit.
- (4) An occupancy permit may be withheld until the Municipality is satisfied that the provisions of the Planning Act, any regulations or bylaws enacted pursuant thereto including any Land Use Bylaw or Subdivision bylaw, the Heritage Property Act and any regulations or bylaws enacted pursuant thereto, any Lot Grading bylaw, Streets bylaw or applicable Development Agreement have been complied with.

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(Showing Proposed Changes to By-law B-201)

Occupancy Permits for Temporary Buildings

8. (1) A temporary building located within the core area shall not be occupied or used unless an occupancy permit therefore is first obtained.
- (2) An occupancy permit for a temporary building shall not be issued for a period of more than 1 year, shall not be renewed, nor shall a second permit for a temporary building on the same property be issued until a period of 30 days has elapsed following the expiration of any previous occupancy permit for a temporary building.
- (3) A temporary building shall be removed immediately upon expiration of the occupancy permit.
- (4) An occupancy permit required by subsection (2) shall be issued provided that no unsafe condition exists with respect health and life safety.

Location Certificates

9. (1) A location certificate shall be provided for every new building except a building which is accessory to a single unit dwelling, semi-detached dwelling, or townhouse.
- (2) The authority having jurisdiction may require a location certificate for additions or accessory buildings where the proposed construction is within 10 feet of the property line in order to be satisfied that the construction complies with the provisions of the Land-use bylaw and Building Code.
- (3) A location certificate may be waived by the building inspector for a building outside the serviceable area where the lot area is greater than three acres.
- (4) Unless stated on the building permit, the location certificate must be approved before a foundation inspection will be carried out and any framing is permitted to take place above the foundation.

Fences

10. (1) No person shall erect a fence more than 6.5 feet in height without first obtaining a permit therefore.
- (2) Where a fence for which a permit is required separates a property containing a residential use from another property, the permit application shall be approved by the local Community Council.
- (3) The municipality shall serve notice on the adjacent property owners at least 14 days in advance of the meeting of the local Community Council, at which time, the public may speak to the application.

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(Showing Proposed Changes to By-law B-201)

- (4) If approved by Community Council, the permit shall be issued by the authority having jurisdiction within five business days.

Inspections

11. In addition to any inspections specified on the building permit, the owner shall notify the authority having jurisdiction to inspect work outside the scope of Part 9 of the Code for compliance with the Code at the following stages of construction:
 - (a) once the foundation is placed, but before commencement of the superstructure
 - (b) at the framing stage, once all services have been roughed in, but before interior wall covers have been installed; and
 - (c) once the work is complete, but before occupancy.
12. A foundation inspection will not be carried out until the location certificate, where required, has been approved by both the Development Officer and the Building Inspector and where required, the Development Engineer.
13. Where a mandatory inspection is requested and the work is not ready for said inspection, or violations are noted which require a reinspection, the Inspector will perform one reinspection per mandatory inspection at no charge. Where more than one reinspection is required, the owner shall be subject to a re-inspection fee as prescribed in Bylaw F-200, the Fees Bylaw, for each subsequent inspection.
14. Any fees incurred under Section 13 shall be paid before the occupancy permit is issued.

Site Conditions

15. No person shall bury any garbage or similar debris on a construction site.
16. An owner of a property shall ensure that excavations undertaken during freezing conditions are protected from freezing before, during and after the placement of concrete.

Repeal

City of Halifax By-law 131, the Building Code Ordinance; City of Dartmouth By-laws B-100 and 101; Town of Bedford By-law 26103; and Halifax County Municipality Building By-law No. 23 and Occupancy Permit Bylaw No.25 are hereby repealed. and 101; Town of Bedford By-law 26103; and Halifax County Municipality Building By-law No. 23 and Occupancy Permit Bylaw No.25 are hereby repealed.

Done and passed by Council this 14th day of April, 1998.

Mayor
Municipal Clerk

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held April 14, 1998.

Attachment E
(Showing Proposed Changes to By-law B-201)

Vic Carmichael, Municipal Clerk

Building Plans

Minimum Required Information for Building Permit Applications for Single, Two Unit and Townhouses up to 4 Units

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Plot Plans** - A plot plan shall show the footprint of the proposed building, and any projections such as decks, roof overhangs and doorsteps. The plot plan shall also include setback dimensions from adjacent property and street lines. If the property is located in an area where a "Lot Grading By-law" is in affect (usually areas serviced with Municipal sewer, storm sewer and water), then the Plot Plan shall also show proposed finished grade elevations and be prepared by a professional surveyor or engineer..
2. **Floor Plans** - A floor plan shall show the interior layout of each floor of the proposed building including:
 - (a) all rooms labelled and showing dimensions;
 - (b) the location of all plumbing and electrical fixtures;
 - (c) the size, spacing and span of framing members; and
 - (d) the location and size of all exterior steps, decks, stairs, etc.**(e) the total square footage of each floor, and the total square footage of the proposed building.**
3. **Detailed Notes** - Detailed written notes on all heating, ventilation or other mechanical systems.
4. **Building Elevations** - Building elevations shall show the dimensions of all sides of the structure and including grade, size, location and dimensions of all windows.
5. **Cross Sections** - A typical cross section shall be taken through an exterior wall from the footing to the roof and show:
 - (a) the footing and foundation wall size;
 - (b) the floor assembly construction;
 - (c) the wall assembly construction; and
 - (d) the roof assembly construction.

Compliance: It is the responsibility of the builder to ensure that all construction complies with the requirements of the **Provincial Building Code**. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

Leasehold Plans

Minimum Required Information for Building Permit Applications for Commercial/Industrial leaseholds and alterations

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Floor Plans** - A floor plan must show the interior layout of each floor of the proposed suite including:
 - (a) all rooms labelled and showing dimensions including exit doors and their direction of swing;
 - (b) the location of all plumbing and electrical fixtures, including exit and emergency lighting;
 - (c) the size, spacing and span of framing members;
 - (d) the location and size of all furniture such as counters, and shelving.
 - (e) the occupancy of adjacent suites; and
 - (f) the total square footage of each floor area, and the total square footage of the proposed suite.**
2. **Detailed Notes** - Detailed written notes on all heating, ventilation or other mechanical systems.
3. **Sprinkler** - Alterations to an existing sprinkler system must be accompanied by a *Field review of Construction Inspection Commitment Certificate*.
4. **Cross Sections** - A typical cross section must be taken through a wall from the floor to the roof and show:
 - (a) the floor assembly construction, if more than 1 level;
 - (b) the wall assembly construction, including fire resistance rating;
 - (c) any other details required by the Authority Having Jurisdiction.
5. **Structural** - Any structural alterations falling outside the scope of Part 9 of the Code must be accompanied by a *Field review of Construction Inspection Commitment Certificate*.
6. **Mechanical and Electrical** - Depending on the size and scope of work, *Field review of Construction Inspection Commitment Certificates* may be required for these disciplines as well

Compliance: It is the responsibility of the builder to ensure that all construction complies with the requirements of the **Provincial Building Code**. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

Building Plans

Minimum Required Information for Building Permit Applications for New Commercial and Multi-Unit Residential Buildings

The Provincial Building Code Regulations require that a Building Permit Application be accompanied by building plans and specifications. Therefore, **three (5 3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, shall be drawn to scale.

1. **Plot Plans-** A plot plan must show the footprint of the proposed building, and any projections such as decks, roof overhangs and doorsteps. The plot plan shall also include setback dimensions from adjacent property and street lines and proposed finished grade elevations.
2. **Floor Plans-** A floor plan must show the interior layout of each floor of the proposed building including:
 - (a) all rooms labeled and showing dimensions;
 - (b) the location of all plumbing and electrical fixtures;
 - (c) the size, spacing and span of framing members; and
 - (d) the location and size of all exterior steps , decks, stairs, etc.
3. **Detailed Drawings-** Where a building or part thereof falls within the scope of part 4 of the Code detailed drawings are required from the appropriate professional bearing his registered stamp, signature and **Letter of Undertaking** specified in Schedule AA@ of the Building Code Regulations.
4. **Building Elevations-** Building elevations must show the dimensions of all sides of the structure and including grade, size, location and dimensions of all windows.
5. **Cross Sections-**A typical cross section must be taken through an exterior wall from the footing to the roof and show:
 - (a) the footing and foundation wall size;
 - (b) the floor assembly construction;
 - (c) the wall assembly construction; and
 - (d) the roof assembly construction.
6. **Construction Management Plan (CMP)** – a detailed construction management plan prepared in accordance with Administrative Order 2016-003-ADM.

Compliance: It is the responsibility of the builder to ensure that all construction complies with the requirements of the **Provincial Building Code**. If submitted plans do not contain adequate information to enable staff to accurately assess a project, revisions may be required before a Building Permit is issued.

Fence Plans

Minimum Required Information for Building Permit Applications for Fences

The Halifax Regional Municipality Building By-law requires that a Building Permit Application for a fence be accompanied by plans and specifications. Therefore, **three (3) copies** of the following information must be submitted, along with a Building Permit Application, in order to be considered for review. Plans, which may be hand drawn, should also be drawn to scale.

1. **Plot Plans** - In addition to the subject property, a plot plan must show all properties adjacent to the subject property and should include the following information:
 - a) the location of all buildings;
 - b) the location of the proposed fence, including the height at 8' intervals;
 - c) the location and condition of vegetation such as trees, shrubs, flowers, etc;
2. **Construction Details** - Complete construction details of the proposed fence including a Professional Architect=s or Engineer=s design.
3. **Additional Information**- The authority having jurisdiction may request additional information due to the location of the fence and adjacent properties.

Compliance: It is the responsibility of the applicant to provide enough information for Community Council to make a determination as to the appropriateness of the proposed fence. Should sufficient information not be provided, the processing of the application may be delayed.

Attachment E
(Showing Proposed Changes to By-law B-201)

BY-LAW B-201

Notice of Motion:	February 10, 1998
First Reading	February 24, 1998
ANotice of Intent@ Publication:	April 4, 1998
Second Reading:	April 14, 1998
Third Reading:	April 14, 1998
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 18, 1998

Amendment # 1 (B-202)

Notice of Motion: Waive	
First Reading:	April 7, 2009
Notice of Public Hearing Publication:	April 11, 2009
Second Reading:	May 5, 2009
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 24, 2009

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER S - 300

BY-LAW RESPECTING STREETS

Number and Short Title

1. This By-law shall be known as By-law Number S-300 and shall be cited as the “Streets By-law”.

Application

2. This by-law shall apply to those areas of the Halifax Regional Municipality located within the core area.

Definitions

3. In this By-law:

(a) "abutter" means the owner, lessee, or occupier of any premises or lot in the Municipality which abuts a street, and where the premises or lot has been registered as a condominium under the Condominium Property Act, includes the condominium corporation which manages the premises or lot;

(aa) “applicant” means any person who makes an application for, and obtains, any permit under the provisions of this by-law;

(b) “construct” includes the installation, alteration, or removal of any facility;

(ba) “contractor includes an person who, for another person, carries out work or supplies labour for the alteration, construction, demolition, excavation, or development of land or a structure;

(c) “core area” means that portion of the Halifax Regional Municipality for which the Municipality has assumed responsibility for maintenance of public streets and is more particularly described in Agreement No. HRM - 01 between the Halifax Regional Municipality and the Minister of Transportation & Public Works which became effective on June 24, 1996;

(d) "Council" means the Council of the Halifax Regional Municipality;

(e) “crosswalk” means that portion of a roadway ordinarily included within the prolongation or connection of curblines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;

Attachment F
(Showing Proposed Changes to S-300)

- (f) “eating establishment” includes any premises where foodstuffs are offered for sale or sold to the public for immediate consumption thereon or for immediate consumption or delivery where take-out is provided.
- (g) "Engineer" means the Engineer of the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer;
- (h) “facility” means any pole, pole lines (including braces and anchors), aerial cables, manholes, conduits, underground cables, pipes for the carriage of gas or liquids, and associated apparatus for the provision of utility services, including amplifiers, connection panels, transformers, valves and other fittings or equipment, but shall not include any service connection between private property and any main, wire, cable, conduit, duct or pipe in or upon any street.
- (i) “municipal infrastructure” includes infrastructure that supports the provision of municipal services and without restricting the generality of the foregoing includes public trees, street lighting, traffic lights, traffic signs and other municipal signs;
- (j) “municipal street furniture” includes banners, flower pots and other decorations owned by the Municipality;
- (k) "Municipality" means the Halifax Regional Municipality;
- (l) "owner" includes
- (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and
 - (ii) in the absence of proof to the contrary, the person or persons assessed for the property;
- (la) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;
- (m) “public tree” means a tree the majority of the trunk of which, is located within a street or on municipal property;
- (n) “roadway” means that portion of a street between the curb lines or the travelled portion of a street designed for vehicular travel;
- (o) "sidewalk" means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated

from the roadway;

(p) “street” means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts and retaining walls in connection therewith and without restricting the generality of the foregoing includes the full right of way width;

(q) “utility” includes any person or corporation that provides water, wastewater services, stormwater services, electric power, telecommunications service, natural gas or other gas intended for use as fuel to the public.

(r) “Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law:

PART 1 - REMOVAL OF ICE AND SNOW FROM SIDEWALKS

Removal of Snow and Ice

4. (1) Owner, except where snow removal service is provided by the Municipality, shall remove all snow and ice,
- (a) from any sidewalk which abuts any side of their property; provided , however, that where a property containing a detached one-family dwelling unit, a duplex dwelling or a semi-detached dwelling unit as defined in the Land Use Bylaws has frontage on a street at both the front and rear of the property, the owner shall not be required to remove the snow and ice from a sidewalk which is part of the street at the rear of the property, where the street at the front of the property is defined as the street on which the property has its civic address, and
 - (b) from any pathway leading from a sidewalk abutting their property to the roadway, and
 - (c) between any sidewalk abutting their property and a crosswalk

for a minimum width of three feet or the full width of the paved sidewalk, whichever is less, within twelve hours after the end of any snowfall or, where the snow stops falling during the night, six hours after daylight, and without restricting the generality of the foregoing, owners shall render the sidewalk completely free of snow and ice to bare pavement within said times.

- (2) No person shall deposit snow or ice on the travelled way of any street.

Removal of Icicles

5. No person shall permit icicles to accumulate on the eaves or gutters of any building owned or occupied by him so as to become dangerous to persons passing on the street.

Engineer May Remove

6. (1) Where the owner fails to remove snow or ice from sidewalks or structures as required by this By-law, the Engineer or a peace officer may serve an Order to Remove Snow and Ice from Sidewalks upon the owner by posting the Order in a conspicuous place upon the property.
- (2) If the owner fails to comply with the Order to Remove Snow and Ice from Sidewalks within 24 hours of service of the Order, the Engineer or a peace officer may remove such snow and ice and may recover the cost of such work from the owner.
- (3) The Municipality's cost in removing the snow and ice pursuant to subsection (2) shall constitute a lien against the property which shall be applied and enforced in the same manner as for rates and taxes under the Assessment Act.

PART II - USE OF SIDEWALKS

Animals on Sidewalk

7. No person shall drive or ride any horse, cow, sheep or other animal, on any sidewalk where the passage or excrement of such animal would be likely to cause annoyance to persons using the sidewalk.

Damage to Sidewalks, Curbs and Landscaping

8. Whenever any sidewalk, landscaping between the sidewalk and the curb, or curb has been broken or otherwise damaged as a result of construction on an abutting property by the owner, his servant or agent, the Engineer may serve notice in writing upon the owner of the property requiring the owner to take immediate action to render the damaged area in a safe condition, to obtain a permit to repair said damage within 48 hours, as hereinafter provided, and to effect repair of such damage within 7 days from service of such notice or such time as stated on the notice, and if the owner fails to make such repairs within such time, the Engineer may cause the same to be done at the expense of the owner and the cost thereof may be recovered by the Municipality as by lien as provided by s. 49 of the Halifax Regional Municipality Act.

Encroaching hedges, tree roots, tree branches

9. (1) Abutters shall trim the branches or roots of any tree, hedging, bush or other shrubbery which encroaches from the abutting property over or under any street so as to prevent such trees, hedging, bushes or other shrubbery from interfering with or affecting the sightlines of any person travelling on a street or interfering with any structure on or in a street.
- (2) Where the abutter has failed to comply with subsection (1), the Engineer may serve notice in writing upon the abutter requiring the trimming of said tree, hedging, bush or other shrubbery within such time as stated on the notice, and if the abutter fails to do so

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within such time, the Engineer may cause the same to be done at the expense of the abutter and the cost thereof may be recovered by the Municipality by action.

Littering

10. (1) Owners shall maintain the area between the curb and their property line free from garbage, waste or debris whether or not it is placed in containers.
- (2) Where the owner fails to maintain the area between the curb and their property line as required by subsection (1) the Engineer or a peace officer may serve an Order to remove Improperly Placed Solid Waste upon the owner by posting the Order in a conspicuous place upon the property. Such an Order shall not be given on a collection day for the property pursuant to By-Law S-600 Solid Waste Collection and Disposal by-law.
- (3) If the solid waste is not removed from the sidewalk in accordance to the by-law and the 24 hour time period outlined in the Order to Remove Improperly Placed Solid Waste, the Engineer or a peace officer, may remove such garbage, waste or debris and may recover the cost of such work from the owner.
- (4) The Municipality's cost in removing the garbage, waste or debris pursuant to subsection (3) shall constitute a lien against the property which shall be applied and enforced in the same manner as for rates and taxes under the Assessment Act.
- (5) Abutters who operate an eating establishment shall empty all garbage receptacles within the sidewalk abutting the eating establishment immediately prior to closing each day.

Maintenance of Grass

11. Abutters, except where grass cutting and maintenance service is provided by the Municipality, shall maintain any grass between the sidewalk and the curb closely clipped and to a height not greater than six inches and shall keep such areas in good order including raking and renewal of the grass as necessary.

**PART III
UTILITY PERMITS**

Application

12. This Part shall apply to any utility constructing a facility in or upon any street.

Utility Permit Required

13. (1) No facility shall be constructed without first obtaining a permit therefor from the Engineer and shall be constructed in accordance with the conditions set out in the permit. The location thereof shall be subject to the approval of the Engineer.

- (2) A separate permit shall be required for the construction of a facility on each street affected.

Contents of Application

14. The application shall include plans satisfactory to the Engineer showing the location of such facility, existing municipal and utility infrastructure, including public trees.

Permit Conditions

15. Every permit shall be issued on the following conditions:
 - (a) every line of poles must be run on one side of the street only, except when absolutely necessary to change to the other side, but such change may be made only by the permission of the Engineer;
 - (b) new poles must not be deposited on any street more than 3 days in advance of their erection;
 - (c) two lines of poles shall not be erected on the same side of the street;
 - (d) when directed by the Engineer, or when required to clear trees, poles and wires shall be of such height as the Engineer deems necessary;
 - (e) poles shall be located at least 18 inches (0.5m) from the curb face on local streets and 24 inches (0.6m) on major or collector streets unless specifically permitted by Engineer;
 - (f) underground facilities shall be constructed no less than 30 inches (0.75m) below grade under paved surfaces or otherwise no less than 24 inches (0.6m) below the surface grade of the street.
 - (g)
 - (i) the utility shall provide and maintain public liability insurance which names the Municipality as an additional insured party, such insurance shall indemnify the Municipality and its employees against any and all claims made as a result of the presence, operation and maintenance in the street of the facility and shall further agree to reimburse the Municipality for any damages caused to the Municipality or its property as a result thereof, except to the extent such loss or damage is caused by the Municipality; or
 - (ii) where the utility can satisfy the Municipality that it is financially capable of responding to a claim without the benefit of insurance, the utility need not provide proof of insurance as set out in clause (i) but shall save the Municipality and its employees harmless in the event of any claim made as a result of the presence, operation and maintenance in the street of the facility and shall further agree to reimburse the Municipality for any damages caused to the Municipality or its property as a result thereof, except to the extent such loss or damage is caused by

the Municipality.

Removal of Wires and Poles

16. 1) All broken and dead wires, and all wires, poles and fixtures not actually in use must be removed by the owner unless permitted to remain by the Engineer.
- (2) Any broken pole or dead wire that is on any street more than 3 days may be removed by the Engineer at the expense of the owner, after three days notice to remove same.
- (3) When a pole is taken down it must be removed the same day.

Change of Location

17. Where in the opinion of the Engineer the location of any facility shall interfere with any works or undertakings of the Municipality, the facility shall be changed or altered and, wherever necessary removed; whenever the Engineer orders such changes of location or removal, it shall be done by the utility without unnecessary delay and at its expense, or it may be done by the Engineer at the expense of the utility.

Street and Services Permit

18. In addition to securing a Utility Permit as herein required, every utility which opens or works upon any street as part of the construction of a facility, shall first obtain a Street and Services Permit in accordance with Part IV and shall otherwise comply with the provisions of Part IV hereof.

Use by Municipality

19. Every utility owning poles shall allow the Municipality free of charge,
- (a) (i) the use of a portion of each pole for the purpose of erecting and maintaining thereon municipal infrastructure or municipal street furniture owned by the Municipality, and appurtenances thereto advance notification of which will be provided to the utility; and
- (ii) the Municipality indemnifies and saves the utility harmless in the event of any claim made as a result of the presence, operation and maintenance on poles of the utility of such municipal infrastructure or municipal street furniture, except to the extent that such loss or damage is caused by the utility or by a party or parties other than the Municipality;
- (b) where the utility wishes to remove a pole which is being used to support municipal infrastructure, the Municipality shall have the option of requiring the pole to remain, and upon removal of the utility's facilities from the pole, ownership of and responsibility for the pole shall be transferred to the Municipality.

Records

20. When required by the Engineer, every utility shall file in the office of the Engineer such

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records of the facilities owned by it as the Engineer requires.

Public Trees

21. (1) Except in the event of an emergency, no utility shall disturb a public tree by pruning or other means without first obtaining permission therefor from the Engineer.
- (2) In constructing any facility, a utility shall minimize any disturbance to a public tree.
- (3) Where it is necessary for a utility to alter a public tree, the Engineer may assign an inspector to supervise the work, the cost of which shall be borne by the utility.
- (4) The Engineer may require that the utility do such things as are necessary to ensure the health and safety of public trees affected by any works carried out by the utility, even where not required by the utility's own standards.
- (5) Where a utility disturbs a tree by pruning or other means, the utility shall use sound arboricultural practices as determined by the Engineer.

Utility Penalty

22. Every utility constructing a facility in or upon a street shall comply with this bylaw; and in the event of failure to do so within the time specified by the Engineer, the Engineer may require the removal of the facility.

PART IV - STREETS & SERVICES PERMIT

Permit Required

23. (1) No person shall:
 - (a) make any excavation in a street;
 - (b) install or repair any facility on a street
 - (c) make use of the street, or any portion thereof, for any activity other than as a right of way or a use already regulated under this or any other by-law of the Halifax Regional Municipality,without first obtaining a Street and Services Permit from the Engineer.
- (2) Every Streets and Services permit application shall include the appropriate application fee, dependant upon the type of activity to be undertaken, as specified in Administrative Order 15.
- (3) Where the activity is in association with a construction, demolition or restoration project on property abutting a street, the Streets and Services permit shall include the name of the contractor engaged in work in the right of way, if different from the applicant.

Performance Security

24. (1) Where there is an excavation within the street, the application shall include:
- a) a security deposit as specified in Administrative Order 15, and
 - b) for excavations within pavement areas, a non-refundable pavement impact fee as specified in Administrative Order 15, and
 - c) for excavations outside the paved portion of the street, a non-refundable maintenance fee as specified in Administrative Order 15.
- (2) The security deposit shall be retained as a guarantee that the applicant **or contractor** will properly perform and complete the work for which the permit is granted, and restore and keep the surface of the street when such work is done, to a good condition and to the satisfaction of the Engineer, for a period of twenty-four months after the works are accepted by the Municipality.
- (3) If the Engineer is of the opinion that the work is not being properly performed, or the surface of the street is not kept in good condition, he may, with notice, perform such work in respect of the work or street as he considers necessary and the cost shall be deducted from the deposit, and the balance, if any, returned upon the expiry of the twenty-four month period referred to in subsection (2). If the cost of such work exceeds the deposit, the balance may be recovered from the applicant by action.
- (4) **Subject to subsection (3) if the permit is in association with a construction, demolition or restoration project on property abutting a street, the balance with interest at the rate determine by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.**

Annual Permits

25. (1) The Engineer may grant a periodic or annual Streets and Services Permit to a utility for the purpose of service emergencies and routine maintenance including pavement patching related thereto which require excavation in municipal streets, subject to such conditions as the Engineer may determine, and, without restricting the generality of the foregoing, any such permit shall require that the Engineer be informed of the location, contractor and time of such work prior to its commencement and that the contractor provide liability insurance in accordance with subclause 28 (h)(I).
- (2) Applications for annual Streets and Services permits shall include the appropriate application fee and security deposit in the amounts specified in Administrative Order 15.
- (3) The provisions of s.24 shall apply, mutatis mutandis, to the annual permit security deposit and the said security deposit shall be returnable, upon the Engineer being

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satisfied that the provisions of this bylaw have been adhered to, on expiration of the permit.

- (4) Every utility shall file in the office of the Engineer a notice of completion of work for all facilities constructed or repaired within a street within one week of the completion of the work.
- (5) The water, wastewater and stormwater utility and the natural gas utility shall be responsible to keep records and inform the Engineer of excavations made in the roadway portion of the street by the utility for any works undertaken pursuant to the issuance of an annual permit and shall pay the Pavement Impact and Maintenance fees specified in Section 5(1).
- (6) All work carried out under an annual Streets and Services permit is subject to inspection by the Municipality and said inspection is subject to an inspection fee as set out in Administrative Order 15.

Closing of Openings

- (26) (1) Every excavation in a street shall, after notice, either written or verbal, given by the Engineer to the ~~permit holder~~ applicant, contractor or abutter, be closed and filled as required by the notice, and if not so closed and filled within 48 hours after such notice, then it may be closed and filled by the Engineer at the expense of the ~~permit holder~~ applicant, contractor or abutter.
- (2) In the event of an emergency arising at the location of the excavation, the Engineer may immediately fill the excavation and recover the costs thereof from the ~~permit holder~~ applicant, contractor or the abutter.

Protection of Excavations at Night

- (27) Every person obtaining a permit to make any excavation or opening in or near any street shall at night sufficiently and continuously light the same and shall in addition, enclose and secure the same by a fence or barrier at least three feet in height, and sufficient to protect the public from injury in accordance with the provisions of any applicable regulations enacted pursuant to the Occupational Health & Safety Act.

Permit Conditions

- (28) In addition to any other conditions imposed by the Engineer for the granting of a street and services permit, all permits shall be subject to the following conditions:
 - (a) the Engineer may stipulate the hours of work;
 - (b) the applicant or contractor shall keep the work site at all times safe with respect to vehicular and pedestrian traffic, including direction of traffic, barricades, lights, signs, and supply of properly equipped and trained Traffic Control personnel for protection of traffic, in accordance with the Temporary Workplace Control Manual in force pursuant to the Occupational Health and Safety Act;

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- (c) notice being given to the Engineer prior to the installation of temporary steel plates over openings;
- (d) the Engineer may order additional precautions, work stoppages and restorations of the street should circumstances warrant such action; upon the failure of the applicant **or contractor** to comply within 24 hours with such order or in the event of an emergency, the Engineer may undertake any necessary action and recover the cost of such action from the applicant **or contractor**;
- (e) the applicant **or contractor** shall ensure that the street is kept free from nuisance, dirt, and dust;
- (f) the applicant **or contractor** shall dispose, store, or haul away any clean material suitable for use as structural fill excavated from a street in accordance with the directions of the Engineer and the material shall remain Municipal property;
- (g) the applicant **or contractor** shall ensure that all excavations are backfilled and restored in such manner and with such material as is approved by the Engineer and that advance notice of a minimum of 24 hours of the backfilling operation shall be provided to the Engineer so that it may be properly inspected;
- (h)
 - (i) the applicant **or contractor** shall provide and maintain public liability insurance in an amount as outlined in Administrative Order 15, such insurance shall indemnify the Municipality and its employees from any and all claims made as a result of the excavation, and the Municipality shall be named as an additional insured;
 - (ii) where the applicant is a utility and can satisfy the Municipality that it is financially capable of responding to a claim in the amount set out in Administrative Order 15 without the benefit of insurance, the utility need not provide proof of insurance as set out in clause (I) but shall save the Municipality and its employees harmless in the event any claim is made as a result of the excavation.
- (i) the permit shall be valid for a period of six months from date of issuance, but where work has commenced the permit shall expire 12 months after the date of issuance;
- (j) unless otherwise authorized by the Engineer, pavement cuts shall not be permitted for two calendar years on streets which have been resurfaced, reconstructed or have received a pavement treatment; **and**
- (k) any other condition in respect of safety that the Engineer may impose; **and**
- (l) **the Engineer may require the completion of a Construction Management Plan as set out in Administrative Order 2016-003-ADM.**

Emergencies

29. In the event of an emergency requiring the immediate excavation of the street, the Engineer may give verbal permission for such excavation on the condition that a Street and Services Permit is applied for and obtained on the first working day subsequent to the granting of such permission.

Obstructions

30. (1) No person shall obstruct any street without first obtaining a Street & Services permit from the Engineer.
- (2) Where an obstruction may cause damage to the street, the Engineer may require a security deposit in the amount specified in Administrative Order 15, such deposit to be held until the Engineer is satisfied that no damage has occurred to the street after the obstruction has been removed.
- (3) The Engineer may permit any person to use any portion of a street for construction or other temporary purpose subject to any conditions that he may reasonably impose.
- (4) The Engineer may refuse to issue a Street & Services permit when it is in the public interest to do so.

PART V - DRIVEWAY ACCESS

Permit Required

31. Every property owner is required to obtain a street and services permit from the Engineer before constructing a driveway access.

Cost and Driveway Specifications

32. Every driveway within a street shall be constructed and maintained at the expense of the property owner of the lot served and in conformance with the specifications as determined by the Engineer in accordance with good engineering practice.

Separate Driveways

33. With the exception of signalized intersections, where more than 100 vehicles will enter or leave a street in any one hour, separate driveways are required, one for egress and the other for access, subject to the following conditions:
- (a) separate driveways shall not be permitted to join or meet the roadway at an angle less than 45 degrees;
- (b) separate driveways shall be physically separated from other driveways and shall be clearly marked as an entrance or an exit to the property the driveway will serve;

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- (c) separate driveways shall have a width greater than 10 feet (3m) and less than 23 feet (7m) at the point where the driveway joins the roadway.

Two-Way Driveways

- 34. (1) Driveways permitted to allow vehicles to both enter and leave a street by means of the same driveway shall conform to the following requirements:
 - (a) two-way driveways shall not be permitted to join the roadway at an angle less than 70 degrees;
 - (b) Two-way driveways serving residentially used property with 4 or fewer units shall have a width not less than 10 feet (3m) and not greater than 16 feet (5m) at a point where the driveway meets the edge of the public right of way, except where the property frontage exceeds 60 feet (18 m), a driveway up to 20 feet (6m) in width may be permitted;.
 - (c) Two-way driveways serving commercially, institutionally or residentially used property with 5 or more units shall have a width not less than 23 feet (7m) and not greater than 33 feet (10m) at a point where the driveway meets the edge of the public right of way;
 - (d) Two-way driveways serving industrial used property or property which is zoned for industrial or construction and demolition use shall have a width not less than 33 feet (10m) and not greater than 39 feet (12m) at a point where the driveway meets the edge of the public right of way.
- (2) Notwithstanding subsection (1), where there are limiting or special circumstances, the Engineer may approve a driveway width subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic.

Maximum Number of Driveways

- 35. (1) The Engineer shall not issue a permit to construct a driveway which does not conform to the following requirements:
 - (a) no more than one driveway may serve any residentially used or zoned lot having less than 100 feet (30m) of frontage on one street, except where the lot is a corner lot fronting on two local streets in which case one driveway on each street may be
 - (b) no more than two driveways may serve any residentially used or zoned lot which having less than 600 feet (180m) and more than 100 feet (30m) of frontage on one street;
 - (c) no more than two driveways may serve any commercially used or zoned lot having less than 100 feet (30m) of frontage on one street;

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- (d) no more than three driveways may be permitted to serve any commercially used or zoned lot which has less than 600 feet (180m) and more than 100 feet (30m) of frontage on one street.
- (e) any lots having more than 600 feet (180m) of frontage on one street may be permitted an additional driveway for each additional 500 feet (150m) of lot frontage on the street.
- (2) Notwithstanding subsection (1), the Engineer may refuse more than one access where the additional access would affect the safe movement of traffic on the street due to high traffic volumes or other reason.
- (3) Notwithstanding subsection (1), where there are limiting or special circumstances, the Engineer may approve an additional driveway subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic

Proximity to Intersections

36. (1) No driveway shall be located
- (a) within 100 feet (30m) of a street intersection controlled by traffic signals;
 - (b) within 100 feet (30m) of the intersection of a major street;
 - (c) within 25 feet (8m) of the intersection of a local street;

measured from the nearest street line of the intersecting street or property line where no street line exists.

- (2) No driveway shall be located on any street where the property to be served abuts and has reasonable access to another street that carries a lesser amount of daily traffic
- (3) Notwithstanding subsection (1), the Engineer may approve a driveway where there is no other means of access to the lot, and in such cases, the Engineer may issue the permit subject to any condition which, in the opinion of the Engineer, will minimize the impact to traffic by reason of said access.
- (4) Notwithstanding subsection (1), the Engineer may refuse access, or approve access subject to special conditions, where there are limiting circumstances such as compound curves, right turn by-pass lanes, acceleration or deceleration lanes.

Driveway Culverts

37. Where a driveway crosses an existing ditch, the property owner shall install a culvert at the owner's expense and in conformance with the specifications as determined by the Engineer in accordance with good engineering practice.

Sight Distances

38. (1) All driveways shall meet minimum stopping sight distances requirements in conformance with the specifications as determined by the Engineer in accordance with good engineering practice.
- (2) Notwithstanding subsection (1), the Engineer may approve a driveway where there is no other means of access to the lot, and in such cases, the Engineer may issue the permit subject to special conditions.

Curbs

39. No person shall drive a vehicle over a curb.

Driveway Drainage

40. Driveways shall be constructed and maintained so as to prevent surface drainage, dirt or dust from private property such as to constitute a nuisance or hazard or in such amount as will enter the public sewer system, from being carried onto the street or sidewalk by means of the surface of a driveway.

GENERAL PROVISIONS

Encroaching Gates

41. No person shall construct or permit to be used any gate or barriers that open into or encroach upon any portion of the street or that may in any way impede pedestrian or vehicular traffic.

Revocation of Permits

42. (1) The Engineer may cancel, revoke or suspend any permit where there is a violation of this bylaw, any order made pursuant to this bylaw and any condition of any permit issued under the authority of this bylaw.
- (2) Any person who has been refused a permit or whose permit has been revoked pursuant to the exercise of any discretion by the Engineer may appeal to the Appeals Committee.
- (3) All appeals shall be in writing, in the form of a notice, and filed with the Municipal Clerk within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.
- (4) The Appeals Committee shall hear the appeal at a time and place as it determines and may confirm the refusal or revocation by the Engineer or direct the immediate issuance or re-issuance of the permit by the Engineer subject to such conditions as the Appeals Committee may determine.

Dirt and Other Nuisances

43. No person shall place, permit to be placed, or permit to escape from an abutting property

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dirt, dust, or other nuisance onto the street surface.

Signs

44. No person shall place or allow to be placed any sign or advertising board, including sandwich boards, within the street without first obtaining a permit therefor pursuant to a sign or encroachment bylaw.

Penalty

45. (1) Any person who contravenes any provision of this By-law is guilty of an offence and is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than five thousand (\$5,000.00) dollars and in default of payment to imprisonment for not more than sixty days.
- (2) A person who is alleged to have violated this bylaw and where the notice so provides, may pay a penalty in the amount of \$50.00 to the Chief of Police at the Halifax Regional Police Department provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

Repeal

46. Parts I, II, III, IV and V of Ordinance 180, the Streets Ordinance of the City of Halifax; Bylaw S-1400 of the City of Dartmouth; Halifax County Municipality Bylaw No. 6 respecting Municipal Streets and Property; City of Halifax Ordinance No. 7 respecting Poles and Wires in Streets; and City of Halifax Ordinance No. 7A respecting Wires, Cables, Conduits, Ducts and Pipes in the Street are repealed but City of Dartmouth amending bylaw S-1401 is not repealed.

Done and passed in Council this 18th day of November, 1997.

Walter R. Fitzgerald
MAYOR

Vi Carmichael
MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the

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above-noted by-law was passed at a meeting of the Halifax Regional Council held on November 18, 1997.

BY-LAW S-300

Notice of Motion:	September 15, 1997
First Reading:	September 30, 1997
ANotice of Intent@ Publication:	October 18, 1997
Second Reading:	November 18, 1997
Third Reading:	November 18, 1997
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	November 22, 1997

No. 1 Amendment by S-301
Subsection (2) of Section 23

Notice of Motion:	November 17, 1998
First Reading:	December 1, 1998
ANotice of Intent@ Publication:	December 5, 1998
Second Reading:	December 15, 1998
Third Reading:	December 15, 1998
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	January 2, 1999

No. 2 Amended by S-302
Clause (a) and (c) of Subsection (1) of Section 4

Notice of Motion:	February 20, 2001
First Reading:	March 6, 2001

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ANotice of Intent@ Publication	March 10, 2001
Second Reading:	March 27, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	March 31, 2001

No. 3 Amended by S-304

Subsection (1) of Section 10; Subsection (2) of Section 10 is renumbered as subsection (5) and subsections (2), (3), and (4), inserted between subsections (1) and (5).

Notice of Motion:	July 17, 2001
First Reading:	August 21, 2001
ANotice of Intent@ Publication:	August 25, 2001
Second Reading:	October 2, 2001
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 6, 2001

No. 4 (V-101)

Amending Subsection (1) of Section 45

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
ANotice of Public Hearing@ Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

No. 5 (S-305)

Amending Subsection (3) of Section 24

Amending Section 34 & 35

Amending Subsection 2 and 4 of Section 42

Notice of Motion:	December 16, 2003
First Reading:	January 13, 2004
ANotice of Public Hearing@ Publication:	January 17, 2004
Second Reading:	February 3, 2004
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	February 7, 2004

No. 6 (S-307)

Amending Sections 4, 5 6 and 10

Notice of Motion:	October 26, 2004
First Reading:	November 9, 2004
Notice of Public Hearing APublication@:	November 20,
2004	
Second Reading:	December 7, 2004
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	December 11, 2004

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No. 7 (S-308)
Amending section 3, 15, 18, 23, 24, 25 & 28
Notice of Motion: May 13, 2008
First Reading: May 27, 2008
Notice of Public Hearing Publication: June 7, 2008
Second Reading: June 24, 2008
Approved by Service Nova Scotia and Municipal Relations: N/A
Effective Date: July 12, 2008

No. 8 (S-309)
Amending sections 3, 23, 24, 25, 28 & 30
Notice of Motion: June 22, 2010
First Reading: July 6, 2010
Notice of Public Hearing Publication: July 17, 2010
Second Reading: August 3, 2010
Approved by Service Nova Scotia and Municipal Relations: N/A
Effective Date: August 7, 2010

No 8 (A-500)
Amending Section 42
Notice of Motion: March 20, 2012
First Reading: March 27, 2012
Notice of Second Reading Publication: March 31, 2012
Second Reading: April 17, 2012
Approval by Service Nova Scotia and Municipal Relations: N/A
Effective Date: April 21, 2012

ADMINISTRATIVE ORDER NUMBER 2016-003-ADM Respecting Construction Site Management

WHEREAS the Council of the Halifax Regional Municipality recognizes that construction activities can cause significant inconvenience and hazardous conditions to those who live, work, and enjoy certain facilities in the immediate vicinity of construction sites within Halifax Regional Municipality;

AND WHEREAS the Council of the Halifax Regional Municipality wants to minimize the potential negative impacts construction activities may have on surrounding properties as well as pedestrian and vehicular traffic patterns within the Halifax Regional Municipality through best management practices;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the *Administrative Order on Construction Site Management*.

Interpretation

2. In this Administrative Order,

a) "best management practices (BMP's)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the potentially negative impact of the construction activities on the surrounding community;

b) "construction site" means the immediate work area and all streets impacted by the construction project;

c) "Construction Management Plan (CMP)" means a combination of diagrams, documents, drawings, and specifications that clearly define the steps that will be taken to demonstrate how the impacts to the community will be minimized and how the impacts associated with any construction project will be managed;

d) "contractor" means a person who contracts to perform work within the street right-of-way on a project for an owner, or who undertakes work within the street right-of-way on a project as an owner;

e) "Engineer" means the Engineer of the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer; and

f) "Temporary Workplace Signer (TWS)" means a person qualified and accredited by the Provincial Traffic Authority to assess conditions prepare, implement, and review traffic control plans for construction, maintenance, and utility temporary workplaces.

Purpose

3. The purpose of this Administrative Order is to minimize potential problems and ensure a safe and positive public experience with development related construction activities by setting minimum standards for work within or immediately adjacent to the public right-of-way or public facilities.

Application

4. (1) This policy applies to construction activity, demolition, excavation, development process or renovation project, whether public and private, where work is expected to occur within 5 m of the street or is expected to create an obstruction within the street.

(2) A detailed Construction Management Plan (CMP) shall be submitted with the permit application and the applicable fee(s) as set out in By-law F-200 or Administrative Order 15.

(3) A CMP will be reviewed based on scale and complexity and may be exempt from certain requirements as set out below, subject to the review of the Municipality.

(4) Any proposed departure from this policy will be evaluated on a site specific basis to ensure an adequate CMP is developed for the user, the surrounding community, and the Municipality for the duration of the project.

(5) Any significant departure from an approved CMP shall be submitted in writing and must be approved by the Municipality a minimum of ten (10) business days prior to executing the departure.

(6) Subsection (5) shall not apply to a departure resulting from unforeseen or unexpected circumstances with a duration of less than twenty-four (24) hours as defined by the Nova Scotia Temporary Workplace Traffic Control Manual.

(7) For greater certainty, this Administrative Order will apply when the Building By-law, the Encroachment By-law or the Streets By-law apply.

(8) For greater certainty, this Administrative Order does not apply to sidewalk cafés regulated under By-law S-1000, the *Sidewalk Café By-law*.

5. (1) Without limiting the generality of the foregoing, the following regulations shall be considered in the preparation of a CMP:

(a) the National Building Code of Canada, as adopted and modified under the Building Code Act and the Nova Scotia Building Code Regulations made under that Act;

(b) the Nova Scotia Occupational Health and Safety Act, and the Nova Scotia Occupational Safety General Regulations made under that Act;

(c) the Transportation Association of Canada (TAC)'s Manual of Uniform Traffic Control Devices for Canada (MUTCDC); and

(d) the Nova Scotia Temporary Workplace Traffic Control Manual (NSTCM).

(2) In the case of a conflict with any of these documents, the more stringent standard for the item in question shall apply.

6. In addition to Provincial and Federal standards referenced above, the following shall also be considered when developing a CMP:

- (a) S-300, the Streets By-law,
- (b) E-200, the Encroachment By-law,
- (c) B-201, the Building By-law,
- (d) N-200, the Noise By-law,
- (e) T-600, the Trees By-law,
- (f) S-900, the Controlled Access Streets By-law,
- (g) T-400, the Truck Routes By-law,
- (h) B-600, the Blasting By-law, and
- (i) HRM Traffic Control Manual (TCM) Supplement.

Permit Requirements

7. In addition to all building code and building by-law submission requirements, all building permit applications must be accompanied by:

- (a) detailed building drawings, including engineering and architectural plans;
- (b) applicable fees;
- (c) detailed Construction Management Plan (CMP); and
- (d) an encroachment application, complete with fees and site plan.

8. Detailed CMP's and encroachment applications must be submitted in advance of anticipated construction and will be evaluated by the Municipality as part of the building permit review process.

9. With the exception of emergency situations, no work may commence on any HRM street without first obtaining a permit as required by the provisions of the HRM Streets By-Law (S-300). Construction must not start before the permit is issued

Construction Management Plan

10. The scale and complexity of the site specific CMP will be directly proportional to the scale and complexity of the project, the site, and the surrounding conditions. As a minimum, a CMP shall include:

- (a) project description;
- (b) project contact information (owner and/or contractor);
- (c) construction schedule;
- (d) hours of operation;
- (e) site plan;
- (f) Traffic Control Plan(s) (TCP);
- (g) haul routes and staging areas;
- (h) Pedestrian Management Plan(s) (PMP);
- (i) site protection and hoarding details;
- (j) hoarding aesthetics details, if applicable;
- (k) signage details;
- (l) safety protocols;
- (m) overhead crane lifting operation details and locations;
- (n) stormwater management plan; and
- (o) description of noise, dust, and emissions controls.

Traffic Control Plan

11. (1) All CMP's shall include a Traffic Control Plan (TCP) that has been prepared in strict accordance with the minimum standards defined in the TAC Manual of Uniform Traffic Control Devices, the NSTIR Temporary Workplace Traffic Control Manual, and the HRM Traffic Control Manual Supplement.

(2) All construction projects that require street closures, lane closures, sidewalk closures, or any other types of physical encroachment into the public ROW are subject to review and approval by the Municipality. The contractor or owner must:

(a) Submit a TCP, prepared by a qualified Temporary Workplace Signer (TWS), which meets all applicable regulatory requirements to address and control the safe passage of all traffic that enters or exits the site along with traffic that travels the streets impacted by the construction project. In addition to all regulatory requirements, the CMP shall also consider and outline the following:

- (i) Haul Routes: project haul routes shall be oriented to minimize traffic congestion and maximize pedestrian safety;

(ii) Delivery Requirements: special consideration shall be given to, and additional traffic control details may be required for, loading and unloading equipment, materials, etc; and

(iii) Pedestrian Protection: pedestrian traffic shall be separated from vehicular traffic by a physical barrier.

(b) Pay all applicable fees in accordance with AO15 and obtain all necessary permits from the authority having jurisdiction for any planned lane and street closures. Lane and street closure applications will be reviewed, and responded to, by the Municipality within 5 business days of their application date.

(c) Conduct a hazard assessment for vehicle and pedestrian traffic for all that enter and exit the site as well as all those that travel the streets impacted by the construction project.

(d) The TCP shall be prepared by a qualified Temporary Workplace Signer (TWS), and must be implemented and monitored by qualified Traffic Control Personnel. The TCP shall include contact information for the TWS.

(e) Provide all necessary traffic signage, barricades, and delineators, and qualified personnel at strategic locations that warn motorists and pedestrians of changes to traffic patterns.

(f) Ensure notification has been distributed, a minimum of 5 business days in advance of the closure, to the impacted area in accordance with Section 29 of this Administrative Order and the HRM TCM Supplement.

(g) Ensure regular inspection and maintenance of traffic control elements as required.

(h) Contact the Municipality for approval of any changes or modifications to the approved TCP that may be required to accommodate unforeseen events.

(i) Maintain emergency vehicle access on and around the site.

Parking

12. (1) Congestion from construction activities can often lead to lost parking stalls and illegal parking. Businesses in the impacted area may rely on the street stalls for patron use, and construction workers on the site may need to rely on the stalls for daily use.

(2) Parking is an important consideration in the preparation of a CMP. The contractor or owner shall:

(a) indicate on the proposed CMP the number and location of parking stalls that will be removed, as well as the duration the stalls will be unavailable;

(b) pay applicable fees at the rate established by Council from time to time for all parking meters that will be unavailable during construction;

(c) appropriately delineate any relocated temporary parking; and

(d) developers and contractors should make every effort, wherever possible, to have their temporary construction encroachment activities to result in a net zero loss of parking. The CMP should indicate strategies to reduce/negate parking losses, such as shuttle services for workers, temporary parking relocation, etc.

(3) Encroachment areas for construction sites are intended to facilitate the construction activities, loading and unloading of equipment and materials, as well as deliveries; encroachments are not intended to be used as convenient parking for construction workers.

(4) The Municipality may stipulate that any parking stalls that have been displaced by temporary construction activities be temporarily relocated and the location shall be included in the approved CMP.

(5) If clear justification and assessment can be provided in the CMP, the Municipality may relax parking restrictions on nearby streets on a case-by-case basis to fulfill displaced parking.

Pedestrian Management

13. (1) All construction projects that require sidewalk closures, any type of physical encroachment into the public ROW, or works on private property within 2m of a public space or passageway, shall submit, as part of the CMP, a detailed Pedestrian Management Plan (PMP) for review and approval by the Municipality.

(2) The contractor or owner shall:

(a) Submit a PMP, prepared by a qualified TWS, that meets all applicable regulatory requirements, including those listed in sections 5 and 6 of this Administrative Order, to address and control the safe passage of all pedestrian traffic that enters or exits the site along with pedestrian traffic that travels the streets impacted by the construction project.

(b) The PMP shall indicate, at minimum:

(i) all impacted sidewalk areas;

(ii) location of impacted bus stops and proposed bus stop relocation areas, complete with pedestrian routes to and from the relocated stop;

(iii) proposed pedestrian routes and detours;

(iv) nearest controlled or marked crosswalks;

(v) location of proposed sidewalk closure signage;

(vi) proposed location of appropriate wayfinding signage;

(vii) proposed delineation for temporary sidewalks, complete with temporary sidewalk, ramp, and barricade construction details; and

(viii) contact information for the TWS.

(c) Pay all applicable fees in accordance with AO15 and obtain all necessary permits from the authority having jurisdiction for any planned lane and street closures. Lane and street closure applications will be reviewed, and responded to, by the Municipality within 5 business days of their application date.

(d) Conduct a hazard assessment for vehicle/pedestrian traffic for all that enter and exit the site as well as all those that travel the streets impacted by the construction project.

(e) At all construction sites and maintenance locations, wherever a clear pedestrian route of 1.5 m is not achievable via the normal route, alternative safe, stable, and accessible pedestrian routes shall be provided with suitable protection from vehicular traffic.

(f) The PMP must be prepared by a qualified Temporary Workplace Signer (TWS), and must be implemented and monitored by qualified Traffic Control Personnel.

(g) Ensure notification has been distributed, a minimum of 5 business days in advance of the closure, to the impacted area in accordance with section 29 of this Administrative Order and the HRM TCM Supplement.

(h) Maintain traffic control elements as required to ensure their operation in compliance with the PMP.

(i) Contact the Municipality for approval of any changes or modifications to the approved PMP that may be required to accommodate unforeseen events.

Visually Impaired Persons

14. The submitted PMP shall include measures which can help to improve the safety and convenience of visually impaired pedestrians, such as:

(a) improved definition of safe places to walk, wait, and cross, by way of edge lines, contrasting colours, and contrasting textures;

(b) installation of devices that give pedestrians right of way and control traffic or help them navigate safely, e.g. temporary crossing markings, traffic signals, and audio or textured tactile elements;

(c) reducing the potential complexity of situations, e.g. through the addition of a central refuge for multilane streets so that pedestrians only cross one direction of traffic, accounting for pedestrian crossing time;

(d) visual cues to highlight to pedestrians the most direct route across the road – sometimes these cues are road marking of the crossing itself or in other cases the

alignment of the footpath, hand rails, or the tactile ground surface indicators are positioned in such a way as to 'launch' the pedestrian in the right direction;

(e) provision of a clear path of travel which is free from obstacles and surface irregularities; and

(f) measures to reduce vehicle speeds and to increase driver awareness of pedestrians.

Accessibility

15. The submitted PMP shall ensure:

(a) walkways for pedestrians and persons using mobility aids are constructed of firm, stable, and non-slip materials, and are accessible grades;

(b) wherever possible, roadway crossings should be at controlled crosswalks and should be located such that the sidewalk and the crosswalk are perpendicular to one another;

(c) all pedestrian routes should be free of obstacles, such as light standards, traffic signal supports, posts, overhanging signs, branches, or catch basins as well as temporary objects such as equipment, boxes and garbage containers, etc.; and

(d) curb ramps should be provided wherever there is a level difference between the sidewalk, or pedestrian pathway, and the intended travelled surface.

Construction Site Protection and Hoarding

16. The submitted CMP shall include details for the proposed hoarding or protection arrangement, such that:

(a) public ways are physically separated from all active construction sites with an adequate safety barrier;

(b) sites where the building footprint or excavation lies within 2m of the public ROW, this barrier must be constructed of solid (opaque) hoarding material, minimum 2.4m high;

(c) covered ways must provide minimum clear width of 1.5m;

(d) covered ways must be illuminated;

(e) all hoarding must be designed to sustain loads that it is likely to be subjected to such as wind and snow loads, as well as falling debris;

(f) allow for sufficient clear width to accommodate snow removal equipment with space for snow storage;

(g) be constructed so as to not impede vehicular traffic sight lines ('daylight triangles') at intersections; and

(h) consider having viewing cut-outs in solid fencing, complete with protection, to allow for public viewing. Viewing ports should be located in safe areas where public congestion will not pose a safety hazard.

Site Protection Aesthetics

17. (1) The submitted CMP is encouraged to include details of how to make the site protection systems more aesthetically pleasing. Certain elements that would be considered to beautify a hoarding or fencing system include:

- (a) project renderings;
- (b) sales and marketing information;
- (c) community murals;
- (d) local advertising for businesses in the affected area; and
- (e) rigidly attached project banners of high quality durable material.

(2) Projects that incorporate one or more of the above techniques to help improve the aesthetics of their site protection measures and mask the site to improve the public experience and mitigate negative impacts from the construction activities may be eligible for 50% reduction in encroachment fees for the areas implementing the beautification.

Project information and Contacts

18. (1) Appropriate signage shall provide the following minimum information:

- (a) project description,
- (b) project timelines,
- (c) developer contact information, and
- (d) project manager contact information.

(2) The sign shall be legible and include a clearly identifiable company name, phone number and e- mail address for those responsible for the construction site.

(3) Project information signage should be placed on site after a permit has been issued or a minimum of 10 days before construction begins to ensure the public has adequate time to adjust their travel patterns and usage of the street(s).

Pedestrian Detour Way-Finding

19. Pedestrian detour wayfinding signs should be used to efficiently and seamlessly direct pedestrians and cyclists as they navigate the detour route. A typical sign for a temporary pedestrian detour should include:

- (a) information on the duration the walkway will be in place;

- (b) restrictions (beginning and end dates);
- (c) project contact number for questions or complaints;
- (d) way-finding guidance of temporary routes; and
- (e) pedestrian way-finding information may also include specific directions to certain facilities or business that may be impacted by the detour routes.

Nav Canada and Transport Canada Regulatory Approvals

20. (1) All CMP's shall include a geospatial plan indicating the proposed location of all cranes, mobile or stationary tower cranes.

(2) Subject to subsection (1), the CMP shall assess the location in relation to potential flight paths, and must determine whether Transport Canada regulatory approval or Nav Canada notification is required.

Operations Above the Public Realm

21. The submitted CMP shall include the following provisions for proposed crane operations or lifting of heavy loads over the public realm:

- (a) notwithstanding level-luffing cranes, tower cranes shall be sited so that there is at least 3m clearance between the end of the boom and the nearest obstacle or building and as much as possible, tower cranes should be sited to avoid loads being handled over occupied areas;
- (b) measures for ensuring that people are not placed at risk from the operation of the crane;
- (c) no loads should be moved or suspended over people;
- (d) at no time shall a load be left suspended over the public realm;
- (e) routines for requiring continuous and thorough checks for area specific hazards;
- (f) if a load must be transferred over a public space or right of way, the area shall be closed to access (in accordance with short duration traffic control protocols as specified by NSTCM) during the move; and
- (g) when loads have to be handled in the vicinity of persons, extreme care should be exercised and adequate clearances allowed.

Site Safety and Security

22. The CMP shall identify on-site safety protocols and consider at minimum, but not limited to, the following information:

- (a) access gates shall be clearly marked as per the traffic management plan;

(b) signage shall be placed outside the hoarding, which warns of hazards that may exist, in accordance with applicable Occupational Health and Safety regulations;

(c) gates shall be locked and the perimeter fencing or hoarding secured to provide security against public access during off work hours and monitored in high traffic areas during operation;

(d) hoarding shall be marked clearly “No Trespassing – Construction Personnel Only”, and personal protective equipment requirements clearly marked (e.g., “Hard Hats and Safety Footwear Must Be Worn Beyond This Point”);

(e) the contractor or owner shall conduct regular inspections, as required, of hoarding for general condition and have a scheduled inspection procedure in place; and

(f) emergency contact information, as required by the jurisdiction having authority, shall be prominently posted.

Material Handling, Loading and Unloading, Delivery, and Vehicle Staging

23. (1) To safe guard construction workers and the public from falling materials, equipment, tools and debris from a construction project, the CMP shall consider such factors and the contractor or owner shall:

(a) conduct a pre-project hazard assessment;

(b) identify appropriate material storage/lay-down areas that may be located within 5m of the public ROW;

(c) identify dedicated material delivery routes and loading/unloading locations;

(d) identify vehicle staging (e.g. concrete delivery) areas and queueing strategy; and

(e) all materials shall be secured and protected against environmental factors, such as rain causing contaminated runoff, or wind blowing around loose objects, etc.

(2) Delivery times and peak hours of operations for surrounding businesses shall be taken into consideration when developing the CMP.

Street and Right-of-Way Cleaning

24. (1) The public travelled way, including pedestrian travelled ways shall be kept free of dirt, debris, snow, and ice, etc. at all times during construction.

(2) Site access locations and staging areas shall be monitored on a continual basis and cleaned with street sweepers, brooms, or by any means necessary to ensure the public ROW is clean and safe.

(3) The contractor or owner shall immediately act upon an order from the Municipality when directed to clean the public ROW.

(4) The contractor or owner shall maintain all encroachment areas. All temporary sidewalks shall be plowed, cleared and maintained free of snow and ice at all times.

Stormwater Management and Runoff Pollution

25. (1) Construction shall adhere to the approved storm drainage plan and the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) Erosion and Sedimentation Control Manual.

(2) The stormwater management plan (or sediment and erosion control plan, or environmental protection plan) shall clearly indicate drainage patterns and must consider:

(a) surface drainage patterns;

(b) catchbasin locations;

(c) material storage locations and protection measures;

(d) construction phasing;

(e) site entrance and exit locations; and

(f) runoff quantity and quality control measures; both during construction and upon project completion.

Noise and Dust Pollution

26. (1) Construction sites shall adhere to the HRM Noise By-Law.

(2) The CMP shall outline hours of operation that are consistent with the Noise By-Law, including holiday and weekend restrictions.

(3) Portable loud equipment, such as generators, compressors, mixers, etc., shall be located away from adjacent properties and the Municipality may require noise barriers to be erected/installed in sensitive areas, such as near schools or hospitals.

(4) When construction activity is located within a strictly business setting, or in the center of an industrial park, or similar locations where people are generally not present after normal operating hours, it may be viable and reasonable to consider 'night work' or 'after hours' construction activity.

(5) The Noise By-Law does allow for a Grant of Exemption by Council. If an exemption is to be sought, the submitted CMP shall outline the following minimum considerations:

(a) proposed hours of operations;

(b) details of the equipment and activities to be performed during the exemption;

(c) details of any noise buffering or mitigation measures that will be implemented during the proposed exemption; and

(d) an assessment of the surrounding community (e.g. strictly business district; industrial park; or residential setting), including any potential sensitive areas, such as schools or hospitals.

(6) Noise By-Law exemption requests will be processed according to the procedure outlined in Section 6 of N-200, the Noise By-Law.

27. (1) The CMP shall consider dust control measures. The plan shall include details regarding construction phasing and sequencing, on-site measures to reduce dust from escaping the site, as well as cleaning and mitigation measures in the immediately impacted areas.

(2) The contractor or owner shall have immediate access to a watering truck, or equivalent, to proactively control dust during dry conditions.

(3) The Municipality may direct the contractor or owner to water the site or to use water for cleaning in the ROW as necessary.

(4) The CMP shall indicate proposed dust and debris mitigation techniques for upper floors and at all elevations, as well as the ground level where dust/debris may escape.

Emissions Control

28. (1) Emissions from combustion engines (diesel or gasoline) shall meet the applicable regulations and manufacturer specifications.

(2) All vehicles and equipment used on site shall be properly maintained such that engines will function according to manufacturer specifications.

(3) The CMP shall consider appropriate locations for vehicle or equipment engine exhausts within the site, as well as vehicle staging areas (e.g. concrete delivery) such that exhaust emissions are reasonably minimized.

(4) Vehicle staging shall be queued such that vehicles are not permitted to idle outside of designated loading and unloading zones or the active work area for more than 25 minutes.

Pre-Construction Meeting

28. (1) For any work to which these guidelines apply, it may be necessary to have a pre-construction meeting to discuss the scope of work, review the CMP, and establish an effective communication plan.

(2) Stakeholders invited to attend may include (but is not limited to) the owner, developer, contractor(s), inspector(s), Transit, Utilities, Traffic Services, and Development Services.

(3) In addition to representatives of the developer, contractor, and municipal agencies, the CMP must also assess the needs of surrounding businesses and institutions, including such considerations as local deliveries, special events, or other specific criteria that may impact their operations.

(4) The Municipality may require a representative from the local business district, surrounding community group, and/or institution to be invited to the pre-construction meeting, if applicable.

(5) The need for a pre-construction meeting, the timing, and complexity of the meeting will be dependent on the scale and complexity of the project, the site, and the surrounding community as determined by the Municipality during the review of the CMP.

(6) A pre-construction meeting should be held a minimum of 10 days prior to the start of any construction activity.

Notification Requirements

29. (1) All construction work within the HRM Right-of-Way is subject to the notification requirements specified in the HRM TCM Supplement.

(2) The CMP shall assess the impacts of these street closures and disruptions on the surrounding community and the contractor or owner shall distribute notification to all affected property owners regarding the planned disruption.

(3) Initial notices shall be hand delivered to all property owners or businesses within the closed area and shall contain the following:

(a) the name of the person or company responsible for the closure, including a contact person and telephone number;

(b) the intended date and time the closure or disruption will commence;

(c) the expected duration of the closure or disruption; and

(d) the location of the closure or disruption and affected area.

(4) Notices of closures or planned disruptions to utility services shall be delivered a minimum of 5 business days in advance of street closures or utility disruptions. This notification can occur concurrently with the review by the Municipality.

(5) After the initial hand-delivered notification, the contractor shall provide confirmation to HRM that the notices were delivered, including a list of all the civic addresses included in the distribution.

(6) In addition to the notification process above, HRM shall issue a Public Service Announcement in advance of the closure of any street on the list found in Schedule A of the HRM TCM Supplement.

(7) During pre-construction consultation with the surrounding community, the owner or contractor may choose to supplement the initial hand delivered notice with additional communication methods such as:

(a) email,

(b) social media group,

(c) website links,

(d) telephone, and

(e) regular community engagement meetings (at an interval and time to be determined by the developer).

(8) The CMP may assess additional supplemental communication strategies if deemed to be more effective and efficient.

(9) Should unforeseen conditions or weather cause a delay or necessitate unexpected closures or disruptions, the Municipality may:

(a) postpone or extend the closure or disruption, and

(b) require additional notification redistributed to the affected area.

Conditions

30. The approved CMP shall be kept onsite at all times.

31. If the project changes ownership or contracting services, the Municipality shall be notified, and the new parties must agree to comply with an approved CMP in writing.

32. (1) The contractor or owner shall inspect the implementation of the CMP on a daily basis at minimum and keep a detailed inspection and maintenance log.

(2) The Municipality may direct maintenance or adjustment of certain elements as required, and may request to view the inspection and maintenance log.

Done and passed in Council this ___ day of _____, 2016.

Mayor

Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on _____, 2016.

Kevin Arjoon, Municipal Clerk

Construction Site Management

BEST MANAGEMENT PRACTICES

TECHNICAL GUIDELINE

Prepared by:

Planning and Development

May, 2016

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Section 1 - Objectives

Section 1.1 – Background

A strong economy often correlates with increased development and construction activity. Roads, schools, buildings, and infrastructure development all contribute to a high quality of life and vibrant economy. However, construction activities can potentially cause significant inconvenience and hazardous conditions to those who live, work, and enjoy certain facilities in the immediate vicinity of a construction site. From dust, noise and debris, to closed sidewalks, streets and detours; many aspects of a community can be negatively impacted by activities during the construction phase of a project.



Figure 1 – Construction debris on unprotected sidewalks and streets.

With increased urban densification, development, and construction related activities observed in Halifax and surrounding areas, it is important to provide consistent practices and protocols that guide the physical elements of the construction activities and their impact on surrounding infrastructure and communities.

Construction activities result from development, work carried out by utilities such as power, gas, and water, or from work carried out by the Municipality. This guideline has been prepared to provide a consistent set of best management practices that aim to mitigate the potential negative impacts the construction activities may have on surrounding properties as well as pedestrian and vehicular traffic patterns.

Section 1.2 – Functional Objectives

The purpose of this document is to provide a consistent framework for construction activity and site management and to outline the minimum standards for work within or immediately adjacent to the public Right-of-Way (ROW) or public facilities. The objective of these Guidelines is to minimize potential problems and to ensure a safe and positive public experience with development related construction activities.

The standards contained in this document cannot anticipate all situations. They are intended to set a minimum standard as a core list of items to be considered when developing a Construction Management Plan (CMP). They are not intended to replace competent work by design and construction professionals.

Section 1.3 – Application and Administration

The objectives outlined in this document are related to all elements of an excavation, construction, demolition, renovation, or development process. It is intended that they apply to both public and private work and shall apply to, and a CMP shall be submitted for, all construction activity, demolition, or renovation projects in which work is expected to occur within 5m of the street or is expected to create an obstruction within the street. All permit applications will be reviewed for their scale and complexity and may be exempt from certain requirements, subject to the review of the Municipality.

Any proposed departure from this manual will be evaluated on a site specific basis to ensure an adequate CMP is developed for the user, the surrounding community, and the Municipality over the duration of the project.

If the project changes ownership or contracting services, the Municipality must be notified, and the new parties must agree to comply with an approved CMP in writing. Notwithstanding unforeseen or unexpected short duration circumstances (less than 24 hours as defined by the Nova Scotia Temporary Workplace Traffic Control Manual), any significant departure from the approved CMP must be submitted in writing and must be approved by the Municipality a minimum of 10 business days prior to executing the departure. The approved construction management plan must be kept onsite at all times.

Section 2 – Definitions

In this manual:

- a) “Best Management Practices (BMP’s)” – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the potential negative impact of the construction activities on the surrounding community
- b) “Construction Site” means the immediate work area and all streets impacted by the construction project;
- c) “Construction Management Plan (CMP)” – A Construction Management Plan is a combination of diagrams, documents, drawings, and specifications that clearly define the steps that will be taken to demonstrate how the impacts to the community will be minimized. How the impacts associated with any construction project will be managed. Herein described as “Plan” throughout the remainder of this policy.

- d) "Engineer" means the Engineer of the Halifax Regional Municipality (HRM) and includes a person acting under the supervision and direction of the Engineer;
- e) "Responsible Contractor" means a person who contracts to perform work within the street right-of-way on a project for an owner, or who undertakes work within the street right-of-way on a project as an owner;
- f) "Temporary Workplace Signer" means a person qualified and accredited by the Provincial Traffic Authority to assess conditions prepare, implement, and review traffic control plans for construction, maintenance, and utility temporary workplaces; they are responsible for ongoing compliance with the Temporary Workplace Traffic Control Manual and for ensuring the safe regulation of traffic and safe passage of pedestrians at temporary workplaces.

Section 3 – Relevant Regulations & Guidelines

Section 3.1 – Occupational Health and Safety Regulations

The primary objective of this manual is to ensure safety of all people in/around a construction site. This manual is intended to be read in conjunction with all applicable Provincial and Federal Occupational Health and Safety Regulations. Without limiting the generality of the foregoing, the following regulations shall be considered in the preparation of a CMP:

- a) National Building Code of Canada, as adopted and modified under the Building Code Act and the Nova Scotia Building Code Regulations made under that Act.
- b) Nova Scotia Occupational Health and Safety Act, and the Nova Scotia Occupational Safety General Regulations made under that Act.
- c) The Transportation Association of Canada (TAC)'s Manual of Uniform Traffic Control Devices for Canada (MUTCDC)
- d) Nova Scotia Temporary Workplace Traffic Control Manual (NSTCM)

In the case of a conflict with any of these documents, the more stringent standard for the item in question shall apply.

Section 3.2 – Municipal Regulations & Guidelines

In addition to Provincial and Federal standards referenced above, the following Municipal by-laws shall also be considered when developing a CMP:

- | | |
|-------------------------|--------------------|
| a) S-300; Streets | c) B-201; Building |
| b) E-200; Encroachments | d) N-200; Noise |

- e) T-600; Trees
- f) S-900; Controlled Access Streets
- g) T-400; Truck Routes
- h) B-600; Blasting
- i) HRM TCM Supplement

Section 4 – Vehicle & Pedestrian Management

Section 4.1 – Vehicular Traffic Control

Vehicular traffic control in a dense urban environment can often pose unique challenges and hazards. Narrowed travelled lanes, restricted sight lines, and heavy construction vehicles further complicate potential hazards of construction sites. This manual has been developed to outline minimum measures and key factors that need to be considered when preparing a CMP to protect workers on the site, pedestrians near the site, as well as all vehicles travelling in the vicinity of the construction activity.



Figure 2 – Traffic Control in a dense urban environment.

Section 4.1.1 – TAC MUTCDC, NSTWTM, & HRM TCM Supplement

All CMP's must include a Traffic Control Plan (TCP) that has been prepared in strict accordance with the minimum standards defined in the TAC Manual of Uniform Traffic Control Devices, the NSTIR Temporary Workplace Traffic Control Manual, and the HRM Traffic Control Manual Supplement.

All construction projects that require street closures, lane closures, sidewalk closures, or any other types of physical encroachment into the public ROW are subject to review and approval by the Municipality. The Responsible Contractor or Owner must:

- a) Submit a TCP, prepared by a qualified Temporary Workplace Signer TWS, that meets all applicable regulatory requirements to address and control the safe passage of all traffic that enters or exits the site along with traffic that travels the streets impacted by the construction project. In addition to all regulatory requirements, the CMP shall also consider and outline the following:
 - i. Haul Routes: project haul routes shall be oriented to minimize traffic congestion and maximize pedestrian safety.

- ii. Delivery Requirements: special consideration shall be given to, and additional traffic control details may be required for, loading and unloading equipment, materials, etc.
 - iii. Pedestrian Protection: pedestrian traffic must be separated from vehicular traffic by a physical barrier.
- b) Pay all applicable fees in accordance with AO15 and obtain all necessary permits from the authority having jurisdiction for any planned lane and street closures. Lane and street closure applications will be reviewed, and responded to, by the Municipality within 5 business days of their application date.
 - c) Conduct a hazard assessment for vehicle/pedestrian traffic for all that enter/exit the site as well as all those that travel the streets impacted by the construction project.
 - d) The TCP must be prepared by a qualified Temporary Workplace Signer (TWS), and must be implemented and monitored by qualified Traffic Control Personnel. The TCP must include contact information for the TWS.
 - e) Provide all necessary traffic signage, barricades, and delineators, and qualified personnel at strategic locations that warn motorists and pedestrians of changes to traffic patterns.
 - f) Ensure notification has been distributed, a minimum of 5 business days in advance of the closure, to the impacted area in accordance with Section 8 of this manual and the HRM TCM Supplement.
 - g) Ensure regular inspection and maintenance of traffic control elements as required.
 - h) Contact the Municipality for approval of any changes or modifications to the approved TCP that may be required to accommodate unforeseen events.
 - i) Maintain emergency vehicle access on and around the site.

Section 4.1.2 – Parking

Congestion from construction activities can often lead to lost parking stalls and illegal parking. Businesses in the impacted area may rely on the street stalls for patron use, and construction workers on the site may need to rely on the stalls for daily use.

Parking is an important consideration in the preparation of a CMP. The responsible Contractor or Owner must:

- a) Indicate on the proposed CMP the number and location of parking stalls that will be removed, as well as the duration the stalls will be unavailable.
- b) Pay applicable fees at the rate established by Council from time to time for all parking meters that will be unavailable during construction.
- c) Appropriately delineate any relocated temporary parking.
- d) Developers and Contractors should make every effort, wherever possible, to have their temporary construction encroachment activities to result in a net zero loss of parking. The CMP should indicate strategies to reduce/negate parking losses, such as shuttle services for workers, temporary parking relocation, etc.

Encroachment areas for construction sites are intended to facilitate the construction activities, loading and unloading of equipment and materials, as well as deliveries; encroachments are not intended to be used as convenient parking for construction workers.



Figure 3 – Parking within encroachments.

The Municipality may stipulate that any parking stalls that have been displaced by temporary construction activities be temporarily relocated and the location shall be included in the approved CMP. If clear justification and assessment can be provided in the CMP, the Municipality may consider relaxation of parking restrictions on nearby streets on a case-by-case basis to fulfill displaced parking.

Section 4.2 – Pedestrian Management

Pedestrian management must be a foremost consideration in the preparation of a CMP. Pedestrian traffic is an integral part of a vibrant dense urban environment and is vital to the urban economy and lifestyle. Clear and safe pedestrian passage must be accommodated in all dense urban construction project CMP's.



Figure 4 – Without appropriate site controls in place pedestrians are forced to cross streets at unsafe locations or pass directly through an unprotected work area and even underneath active equipment.

Section 4.2.1 – Passageway Safety & Clarity

All construction projects that require sidewalk closures, any type of physical encroachment into the public ROW, or works on private property within 2m of a public space or passageway, must submit, as part of the CMP, a detailed Pedestrian Management Plan (PMP) for review and approval by the Municipality. The Responsible Contractor or Owner must:

- a) Submit a PMP, prepared by a qualified TWS, that meets all applicable regulatory requirements, including those listed in Section 3 of this manual, to address and control the safe passage of all pedestrian traffic that enters or exits the site along with pedestrian traffic that travels the streets impacted by the construction project.
- b) The PMP shall indicate, at minimum:
 - i. All impacted sidewalk areas;

- ii. Location of impacted bus stops and proposed bus stop relocation areas, complete with pedestrian routes to/from the relocated stop;
 - iii. Proposed pedestrian routes and detours;
 - iv. Nearest controlled/marked crosswalks;
 - v. Location of proposed sidewalk closure signage;
 - vi. Proposed delineation for temporary sidewalks, complete with temporary sidewalk, ramp, and barricade construction details;
 - vii. Contact information for the TWS;
 - viii. Proposed location of appropriate wayfinding signage, as required.
- c) Pay all applicable fees in accordance with AO15 and obtain all necessary permits from the authority having jurisdiction for any planned lane and street closures. Lane and street closure applications will be reviewed, and responded to, by the Municipality within 5 business days of their application date.
 - d) Conduct a hazard assessment for vehicle/pedestrian traffic for all that enter/exit the site as well as all those that travel the streets impacted by the construction project.
 - e) At all construction sites and/or maintenance locations, wherever a clear pedestrian route of 1.5 m is not achievable via the normal route, alternative safe, stable, and accessible pedestrian routes should be provided with suitable protection from vehicular traffic.
 - f) The PMP must be prepared by a qualified Temporary Workplace Signer (TWS), and must be implemented and monitored by qualified Traffic Control Personnel.
 - g) Ensure notification has been distributed, a minimum of 5 business days in advance of the closure, to the impacted area in accordance with Section 8 of this manual and the HRM TCM Supplement.
 - h) Maintain traffic control elements as required to ensure their operation in compliance with the PMP.
 - i) Contact the Municipality for approval of any changes or modifications to the approved PMP that may be required to accommodate unforeseen events.

Section 4.2.2 – Visually Impaired Persons

Warning signage alone is insufficient to protect all pedestrians. Visually impaired pedestrians rely on other physical indicators for navigation and to identify hazards.

The submitted PMP must include measures which can help to improve the safety and convenience of visually impaired pedestrians, such as:

- a) Improved definition of safe places to walk, wait, and cross, by way of edge lines, contrasting colours, and contrasting textures.
- b) Installation of devices that give pedestrians right of way and control traffic or help them navigate safely, e.g. temporary crossing markings, traffic signals, and audio and/or textured tactile elements.
- c) Reducing the potential complexity of situations, e.g. through the addition of a central refuge for multilane streets so that pedestrians only cross one direction of traffic, accounting for pedestrian crossing time.

- d) Visual cues to highlight to pedestrians the most direct route across the road – sometimes these cues are road marking of the crossing itself or in other cases the alignment of the footpath, hand rails, or the tactile ground surface indicators are positioned in such a way as to ‘launch’ the pedestrian in the right direction.
- e) Provision of a clear path of travel which is free from obstacles and surface irregularities.
- f) Measures to reduce vehicle speeds and to increase driver awareness of pedestrians.

Section 4.2.3 – Accessibility

Pedestrian passage through/around construction activities must be safe and accessible for all pedestrians. Public pedestrian routes should be designed and maintained to ensure comfort and safety of all persons, regardless of age or ability. Generally, such routes must be:

- a) Easily identifiable,
- b) Clearly separated from vehicular routes,
- c) Free of obstacles at all times of the year, including snow and debris.

The submitted PMP must ensure:

- a) Walkways for pedestrians and persons using mobility aids are constructed of firm, stable, and non-slip materials, and are accessible grades.
- b) Wherever possible, roadway crossings should be at controlled crosswalks and should be located such that the sidewalk and the crosswalk are perpendicular to one another.
- c) All pedestrian routes should be free of obstacles, such as light standards, traffic signal supports, posts, overhanging signs, branches, or catch basins as well as temporary objects such as equipment, boxes and garbage containers, etc.
- d) Curb ramps should be provided wherever there is a level difference between the sidewalk, or pedestrian pathway, and the intended travelled surface.

Section 5 – Construction Site Protection & Hoarding

Section 5.1 – Site Protection and Hoarding Materials

Construction site protection is required to meet minimum applicable building code standards. The National Building Code of Canada (NBCC) requires that construction activities within 2m of a public way be protected with a strongly constructed fence or barricade.



Figure 5 – Solid construction hoarding provides pedestrian protection from vehicles, overhead objects, and provides physical separation from the site activities. Lighting for covered ways is an important consideration.

The submitted CMP must include details for the proposed hoarding or protection arrangement, such that:

- a) Public ways are physically separated from all active construction sites with an adequate safety barrier. For sites where the building footprint or excavation lies within 2m of the public ROW, this barrier must be constructed of solid (opaque) hoarding material, minimum 2.4m high;
- b) Covered ways must provide minimum clear width of 1.5m;
- c) Covered ways must be illuminated;
- d) All hoarding must be designed to sustain loads that it is likely to be subjected to such as wind and snow loads, as well as falling debris.
- e) Allow for sufficient clear width to accommodate snow removal equipment with space for snow storage.
- f) Be constructed so as to not impede vehicular traffic sight lines ('daylight triangles') at intersections.
- g) Consider having viewing cut-outs in solid fencing, complete with protection, to allow for public viewing. Viewing ports should be located in safe areas where public congestion will not pose a safety hazard.

Section 5.2 – Site Protection Aesthetics

Opaque construction hoarding and solid construction site protection is not typically designed to be aesthetically pleasing. The definition of 'attractive' is subjective and not easily defined for a broad audience. However, construction site protection mechanisms often create a 'blank canvas' that provides an opportunity for beautification.

The submitted CMP is encouraged to include details of how to make the site protection systems more aesthetically pleasing. Certain elements that would be considered to beautify a hoarding or fencing system include:

- | | |
|---------------------------------|---|
| a) Project renderings; | d) Local advertising for businesses in the affected area; |
| b) Sales/Marketing information; | e) Rigidly attached project banners of high quality durable material. |
| c) Community murals; | |

Projects that incorporate one or more of the above techniques to help improve the aesthetics of their site protection measures and mask the site to improve the public experience and mitigate negative impacts from the construction activities will be eligible for **50% reduction** in encroachment fees for the areas implementing the beautification.



Figure 6 – Hoarding beautification using community mural.

Beautification measures must be regularly monitored and maintained by the owner to ensure the measures remain in a state of good repair and clean from graffiti or other unapproved posters or debris for the duration of the project.

Section 5.3 – Signage

Signage is an integral part of site controls and notification. It provides vital information about the project, contact information, as well as safety and navigational information. Signage located at the construction site can act as a way to inform and guide the public and provide key contact information

Section 5.3.1 – Project Information and Contacts

Appropriate signage can help to mitigate public concern by providing the following minimum information:

- a) Project description,
- b) Project timelines,
- c) Developer contact information,
- d) Project manager contact information.

The sign is to be legible and include a clearly identifiable company name, phone number and e-mail address for those responsible for the construction site.

Project information signage should be placed on site after a permit has been issued or a minimum of 10 days before construction begins to ensure the public has adequate time to adjust their travel patterns and usage of the street(s).

Section 5.3.2 – Pedestrian Detour Way-Finding

Pedestrian detour wayfinding signs should be used to efficiently and seamlessly direct pedestrians and cyclists as they navigate the detour route. A typical sign for a temporary pedestrian detour should include:

- a) Information on the duration that the walkway will be in place,
- b) Restrictions (beginning and/or end dates),
- c) Project contact number for questions or complaints,
- d) Way-finding guidance of temporary routes,
- e) Pedestrian way-finding information may also include specific directions to certain facilities or business that may be impacted by the detour routes.



Figure 7 – Pedestrian detour signage and wayfinding map.

Section 6 – Lifting, Hoisting, and Crane Operations

Section 6.1 – Navigation Canada & Transport Canada Regulatory Approvals

Cranes, either mobile or stationary tower, have the potential to impact flight patterns in sensitive areas close to airports or helipads. As such, the location and height of crane erection may be subject to Transport Canada regulatory approval and Nav Canada notification.

Transport Canada is the regulatory body for structures that may affect flight paths. They employ specific land use and zoning criteria, such as height and location, for designated zones within close proximity to registered aerodromes. There are 2 registered aerodromes in the HRM region:

- a) Canadian Forces Base, Shearwater Airfield,
- b) Halifax International Airport

Full details of these regulations may be found at the following link:

[Aeronautics Act \(R.S., 1985, c. A-2\) - Transport Canada](#)

Nav Canada is a private company that owns and operates Canada's civil air navigation service. They provide air traffic control, airport advisory and flight information, as well as aeronautical information. As such, they have an interest in maintaining active records of any possible aeronautical obstructions; for all registered aerodromes, non-registered helipads (for example, hospitals), and all air navigation infrastructure.

Full details on Nav Canada's notification process and land use submission forms are available at the following link:

[NAV CANADA: Products and Services - Land Use Program](#)

All CMP's must include a geospatial plan indicating the proposed location of all cranes, mobile or stationary tower cranes. The CMP must assess the location in relation to potential flight paths, and must determine whether Transport Canada regulatory approval or Nav Canada notification is required.

Section 6.2 – Operations Above the Public Realm

Lifting operations, such as tower cranes, mobile cranes, telehandlers, forklifts, and small lifts, are a crucial and important piece of equipment for many construction sites throughout the Municipality. However, their presence brings about a level of risk that must be considered. Although lifting heavy loads over highways, railways, or public space should generally be avoided, there are times when such a lift is necessary. The submitted CMP must include the following provisions for proposed crane operations or lifting of heavy loads over the public realm:

- a) Notwithstanding level-luffing cranes, tower cranes must be sited so that there is at least 3m clearance between the end of the boom and the nearest obstacle or building and as

much as possible, tower cranes should be sited to avoid loads being handled over occupied areas;

- b) Measures for ensuring that people are not placed at risk from the operation of the crane;
- c) No loads should be moved or suspended over people;
- d) At no time should a load be left suspended over the public realm;
- e) Routines for requiring continuous and thorough checks for area specific hazards;
- f) If loads must be transferred over a public space or ROW, the area must be closed to access (in accordance with short duration traffic control protocols as specified by NSTCM) during the move; and
- g) When loads have to be handled in the vicinity of persons, extreme care should be exercised and adequate clearances allowed.

Section 7 – On-Site Conditions

Section 7.1 – Site Safety and Security

Safety, for workers and the general public, is the foremost concern. The objective of these guidelines is to ensure a safe environment both on site and within the impacted vicinity.

The CMP must identify on-site safety protocols and consider at minimum, but not limited to, the following information:

- a) Access gates must be clearly marked as per the traffic management plan;
- b) Signage must be placed outside the hoarding, which warns of hazards that may exist, in accordance with applicable Occupational Health and Safety regulations;
- c) Gates must be locked and the perimeter fencing or hoarding secured to provide security against public access during off work hours and monitored in high traffic areas during operation;
- d) Hoarding must be marked clearly “No Trespassing – Construction Personnel Only”, and personal protective equipment requirements clearly marked (e.g., “Hard Hats and Safety Footwear Must Be Worn Beyond This Point”);
- e) The Responsible Contractor or Owner must conduct regular inspections, as required, of hoarding for general condition and have a scheduled inspection procedure in place;
- f) Emergency contact information, as required by the jurisdiction having authority, must be prominently posted.

Section 7.2 – Material Handling, Loading/Unloading, Delivery, and Vehicle Staging

How materials are delivered to site, loaded and unloaded, or handled and stored on site can have an impact on the safety of the overall site and affected areas. To safe guard construction workers and the public from falling materials, equipment, tools and debris from a construction project, the CMP must consider such factors and the Responsible Contractor or Owner must:

- a) Conduct a pre-project hazard assessment;
- b) Identify appropriate material storage/lay-down areas that may be located within 5m of the public ROW;

- c) Identify dedicated material delivery routes and loading/unloading locations;
- d) Identify vehicle staging (e.g. concrete delivery) areas and queueing strategy;
- e) All materials must be secured and protected against environmental factors, such as rain causing contaminated runoff, or wind blowing around loose objects, etc.

Delivery times and peak hours of operations for surrounding businesses must be determined and taken into consideration when developing the CMP.

Section 7.3 – Environmental Controls

Although construction sites in a dense urban setting may not expose or disturb a large area at one time (relative to suburban land development or construction), the sites are often more compact with less space available for environmental control measures, such as sediment retention ponds, or snow storage. With limited available space, urban sites often create challenges for environmental containment.

Section 7.3.1 – Street and ROW Cleaning

The public ROW is intended for the use and enjoyment for all. Passageway cleanliness has a major impact on accessibility and safety. The public travelled way, including pedestrian travelled ways are to be kept free of dirt, debris, snow, and ice, etc. at all times during construction. Site access locations and staging areas are to be monitored on a continual basis and cleaned with street sweepers, brooms, or by any means necessary to ensure the public ROW is clean and safe. The Responsible Contractor or Owner must immediately act upon an order from the Municipality when directed to clean the public ROW.

Snow removal and snow storage are important considerations when managing constrained sites. The Responsible Contractor or Owner must maintain all encroachment areas. All temporary sidewalks must be plowed/cleared and maintained free of snow and ice at all times.

Section 7.3.2 – Stormwater Management and Runoff Pollution

Construction must adhere to the approved storm drainage plan and the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) Erosion and Sedimentation Control Manual. The main objective of the storm water management plan shall be to identify Best Management Practices, which will minimize erosion and sediment transport. The stormwater management plan (or sediment and erosion control plan, or environmental protection plan) must clearly indicate drainage patterns and must consider:

- a) Surface drainage patterns;
- b) Catchbasin locations;
- c) Material storage locations and protection measures;
- d) Construction phasing;
- e) Site entrance/exit locations;
- f) Runoff quantity and quality control measures; both during construction and upon project completion.

Section 7.3.3 – Noise and Dust Pollution

Construction sites must adhere to the HRM Noise By-Law. The CMP must outline hours of operation that are consistent with the Noise By-Law, including holiday and weekend restrictions. Portable loud equipment, such as generators, compressors, mixers, etc., must be located away

from adjacent properties and the Municipality may require noise barriers to be erected/installed in sensitive areas, such as near schools or hospitals.

When construction activity is located within a strictly business setting, or in the center of an industrial park, or similar locations where people are generally not present after normal operating hours, it may be viable and reasonable to consider 'night work' or 'after hours' construction activity. However this argument may be less substantive in a residential setting where after hours construction activity can result in a loss of enjoyment of adjacent residents. The Noise By-Law does allow for a Grant of Exemption by Council. If an exemption is to be sought, the submitted CMP must outline the following minimum considerations:

- a) Proposed hours of operations;
- b) Details of the equipment and activities to be performed during the exemption;
- c) Details of any noise buffering or mitigation measures that will be implemented during the proposed exemption;
- d) An assessment of the surrounding community (e.g. strictly business district; industrial park; or residential setting), including any potential sensitive areas, such as schools or hospitals.

Noise By-Law exemption requests will be processed according to the procedure outlined in Section 6 of the Noise By-Law, N-200.

The CMP must also consider dust control measures. The plan shall include details regarding construction phasing and sequencing, on-site measures to reduce dust from escaping the site, as well as cleaning and mitigation measures in the immediately impacted areas. The Responsible Contractor or Owner must have immediate access to a watering truck, or equivalent, to proactively control dust during dry conditions. The Municipality may direct the Responsible Contractor or Owner to water the site or to use water for cleaning in the ROW as necessary.

Dust control measures must be considered for more than just the ground floor. Dust from higher elevations or upper storeys can escape and deposit onto the street level or adjacent rooftops and patios, etc, and therefore must be considered in the CMP. The measures to prevent dust from escaping from the site must also be implemented as building construction progresses. The CMP must indicate proposed dust and debris mitigation techniques for upper floors and at all elevations, as well as the ground level where dust/debris may escape.

Section 7.3.4 – Emissions Control

Emissions from combustion engines (diesel or gasoline) must strictly meet the applicable regulations and manufacturer specifications. All vehicles and equipment used on site must be properly maintained such that engines will function according to manufacturer specifications. The CMP must consider appropriate locations for vehicle or equipment engine exhausts within the site, as well as vehicle staging areas (e.g. concrete delivery) such that exhaust emissions are reasonably minimized (ie. proximity to nearby intake louvres, vents, or public spaces). Vehicle staging should be queued such that vehicles are not permitted to idle outside of designated loading/unloading zones or the active work area for more than 25 minutes.

Section 8 – Permit and Notification Requirements

Section 8.1 – Submission Requirements

In addition to all building code and building by-law submission requirements, all building permit applications must be accompanied by:

- a) Detailed building drawings, including engineering and architectural plans;
- b) Applicable Fees;
- c) Detailed Construction Management Plan (CMP);
- d) Encroachment application, complete with fees and site plan

These items will all be reviewed in conjunction with applicable by-laws and may need to be revised as necessary. Detailed CMP's and encroachment applications must be submitted in advance of anticipated construction and will be evaluated by the Municipality as part of the building permit review process.

With the exception of emergency situations, no work may commence on any HRM street without first obtaining a permit as required by the provisions of the HRM Street By-Law (S-300). Construction must not start before the permit is issued.

Section 8.2 – Construction Management Plan

The considerations discussed in this manual are intended to form the basis of a detailed Construction Management Plan (CMP). The scale and complexity of the site specific CMP will be directly proportional to the scale and complexity of the project, the site, and the surrounding conditions. As a minimum, a CMP must include:

- a) Project description;
- b) Project contact information (Owner and/or Responsible Contractor);
- c) Construction schedule;
- d) Hours of operation;
- e) Site plan;
- f) Traffic Control Plan(s) (TCP);
- g) Haul routes and staging areas;
- h) Pedestrian Management Plan(s) (PMP);
- i) Site protection and hoarding details;
- j) Hoarding aesthetics details, if applicable;
- k) Signage details;
- l) Safety protocols;
- m) Overhead crane lifting operation details and locations;
- n) Stormwater management plan;
- o) Description of noise, dust, and emissions controls.

Section 8.3 – Pre-Construction Meeting

For any work to which these guidelines apply, it may be necessary to have a pre-construction meeting to discuss the scope of work, review the CMP, and establish an effective communication plan. Stakeholders invited to attend may include (but is not limited to) the owner/developer, contractor(s), inspector(s), Transit, Utilities, Traffic Services, and Development Services.

In addition to representatives of the developer, contractor, and municipal agencies, the CMP must also assess the needs of surrounding businesses and institutions, including such considerations as local deliveries, special events, or other specific criteria that may impact their operations. If deemed appropriate during the review of the CMP the Municipality may require a representative from the local business district, surrounding community group, and/or institution to be invited to the pre-construction meeting, if applicable.

The need for a pre-construction meeting, the timing, and complexity of the meeting will be dependent on the scale and complexity of the project, the site, and the surrounding community as determined by the Municipality during the review of the CMP. Generally, a pre-construction meeting should be held a minimum of 10 days prior to the start of any construction activity.

Section 8.4 – Notification Requirements

While the fundamental objective of the CMP is to minimize disturbance to the surrounding community, the nature of construction activity may require certain periodic street closures, or utility disruptions. Since all construction work within the HRM Right-of-Way is subject to the notification requirements specified in the HRM TCM Supplement, the CMP must assess the impacts of these street closures and disruptions on the surrounding community. The Responsible Contractor or Owner is responsible to distribute notification to all affected property owners regarding the planned disruption. Initial notices must be hand delivered to all property owners or businesses within the closed area and must contain the following:

- a) The name of the person or company responsible for the closure, including a contact person and telephone number
- b) The intended date and time the closure or disruption will commence
- c) The expected duration of the closure or disruption
- d) The location of the closure or disruption and affected area

Notices of closures or planned disruptions to utility services must be delivered a minimum of 5 business days in advance of street closures or utility disruptions. This notification can occur concurrently with the review by the Municipality. After the initial hand-delivered notification, the contractor must provide confirmation to HRM that the notices were delivered, including a list of all the civic addresses included in the distribution. An example of closure notices and an example confirmation letter is provided in Appendix A. In addition to the notification process above, HRM shall issue a Public Service Announcement in advance of the closure of any street on the list found in Schedule A of the HRM TCM Supplement.

During pre-construction consultation with the surrounding community, the Owner and/or Responsible Contractor may choose to supplement the initial hand delivered notice with additional communication methods such as:

- a) Email
- b) Social media group
- c) Website links
- d) Telephone
- e) Regular community engagement meetings (at an interval and time to be determined by the developer)

While these measures may help to supplement communications, considering that not all residents and property owners have access to the same level of technology, the first notification must be hand delivered. The CMP may assess additional supplemental communication strategies if deemed to be more effective and efficient.

Understanding the complex logistics of the construction industry, unforeseen conditions or weather can often cause delays or may necessitate unexpected closures or disruptions. In such situations, subject to the discretion of the Municipality, the closure or disruption may be postponed or extended with additional notification redistributed to the affected area.

Section 9 – Regulation and Enforcement

Section 9.1 – Inspection and Monitoring

Successful implementation of a detailed CMP depends on regular inspection, maintenance, and adjustment of approved control measures and the expected plan. Continual monitoring of hoarding systems, walkways, barriers, signage, etc., is a key element to ensure control measures are performing effectively. The Responsible Contractor or Owner must inspect the implementation of the CMP on a daily basis at minimum and keep a detailed inspection/maintenance log. The Municipality may direct maintenance or adjustment of certain elements as required, and may request to view the inspection log.

Section 9.2 – Violation and Penalty

An approved CMP, prepared in accordance with these guidelines, will form part of the permit package, and as such, failing to comply with the approved CMP signifies noncompliance with specific permit conditions. Any Owner or Responsible Contractor found to be in violation of these guidelines or failing to implement the approved CMP may be guilty of an offence and subject to the penalties of the respective by-laws.

Appendix A – Sample Notification Letters

ABC Construction Limited

153 Starfield Drive
Halifax, Nova Scotia
A1B 2C4

Bus: 902-123-4567
Fax: 902-891-2345
Email: frank.master@abcconstruction.com

2-March-2015

CONFIRMATION

This letter is to confirm that ABC Construction Limited has hand delivered notices to all residents and or businesses within a 500m radius in all directions of the Smith Street closure.

The following addresses have received notification letters on 2-March-2015:

- 58-355 Stanley Street, Inclusive
- 22-50 Juniper Street, Inclusive
- 64-551 Sample Street, Inclusive

CONTACT INFORMATION:

Contractor: Frank Master - ABC Construction Limited

902-123-4567

Our company has been retained by the developer XYZ Holdings Limited to complete work and the associated street closure. Should any questions arise throughout construction please feel free to contact the undersigned.

Thank you.

Yours Truly,

ABC Construction Limited

Frank Master
Project Manager

ABC Construction Limited

153 Starfield Drive
Halifax, Nova Scotia
A1B 2C4

Bus: 902-123-4567
Fax: 902-891-2345
Email: frank.master@abcconstruction.com

2-March-2015

NOTIFICATION OF STREET CLOSURE (and/or UTILITY DISRUPTION) – SMITH STREET

This is to inform you that to facilitate construction operations in your area Smith Street will be closed on or about 25-March-2015 with an anticipated duration of approximately 2 weeks. The street will be open during the evenings in weekend. During the street closure process local traffic will be permitted to enter underground parking garages as needed.

Should you have any questions or concerns please feel free to contact the below.

CONTACT INFORMATION:

Contractor: Frank Master - ABC Construction Limited

902-123-4567

Our company has been retained by the developer XYZ Holdings Limited to complete work and the associated street closure. Should any questions arise throughout construction please feel free to contact the undersigned.

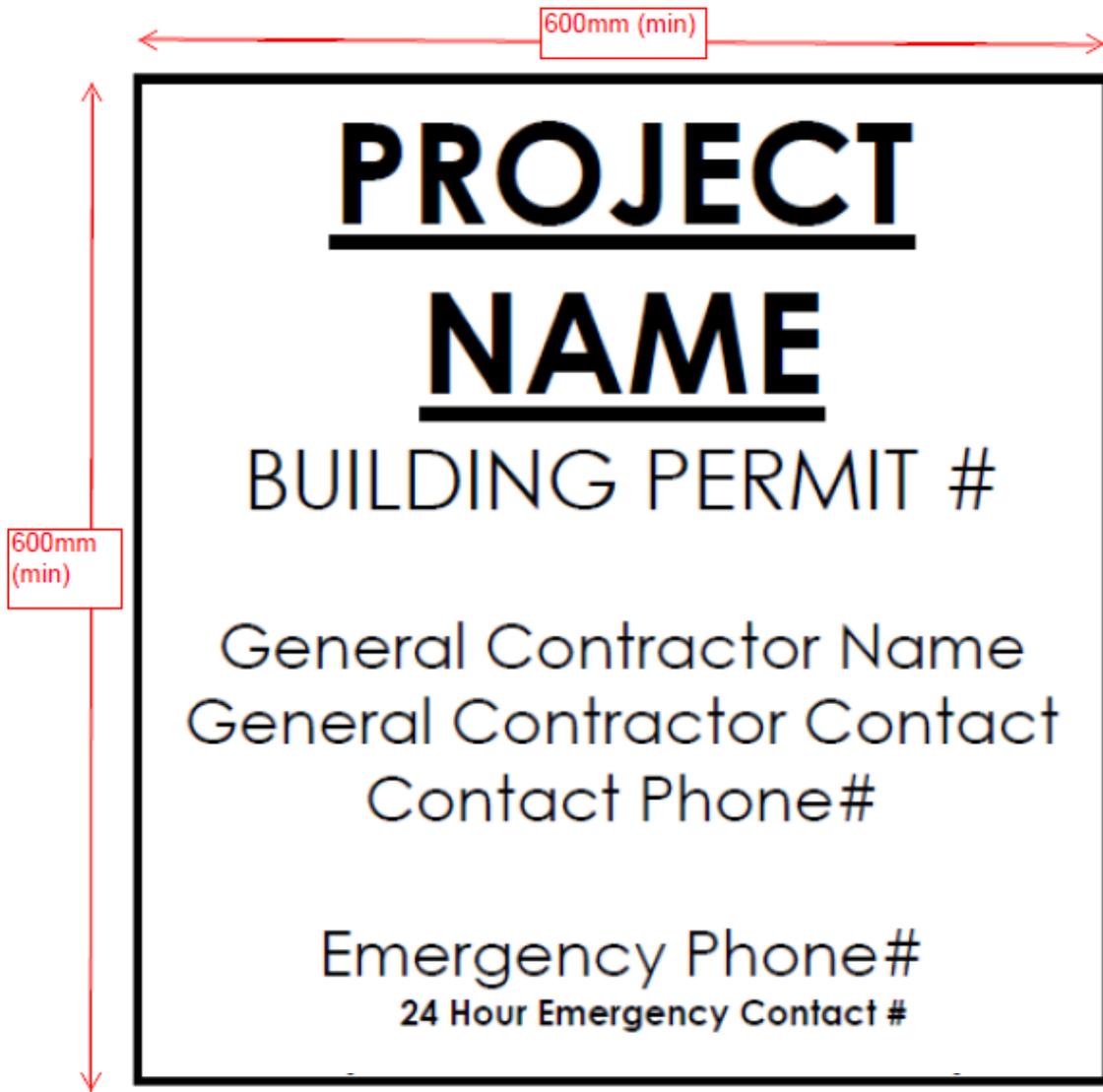
Thank you.

Yours Truly,

ABC Construction Limited

Frank Master
Project Manager

Appendix B – Sample Site Info Sign



Note: Completed project renderings are also encouraged to be included on the contact information signage

Appendix C – CMP Checklist & Sample CMP

Construction Management Plan - Checklist

General Site:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Construction Start/End Dates indicated? 		
<ul style="list-style-type: none"> Project contact information provided? 		Phone #'s: (Contractor and/or Developer)
<ul style="list-style-type: none"> Is an Encroachment required? 		Have all options to perform the work within the private boundaries been considered? Is this encroachment absolutely necessary? Is it necessary for the entire project duration, or can there be a 'phased' approach?

Vehicle Management:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Has the Traffic Control Plan (TCP) been prepared by qualified TWS? 		
<ul style="list-style-type: none"> TWS contact information provided? 		Phone #: Email:
<ul style="list-style-type: none"> Haul Routes indicated? 		Haul routes should be planned to utilize the most practical direct route to the site, but minimize risk to pedestrians.
<ul style="list-style-type: none"> Is there a specific Delivery/Loading Zone required? 		Designated delivery/loading zone should be provided (on-site if possible; if not possible on site, an encroachment will be required)

<ul style="list-style-type: none"> Is there sufficient Parking available? Or will any existing parking be displaced during construction? 		Are there any temporary parking displacements/relocation options?
---	--	---

Pedestrian Management:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Has the Pedestrian Management Plan (TCP) been prepared by qualified TWS? 		(This can form part of the TCP provided the combined plan is clear and legible)
<ul style="list-style-type: none"> TWS contact information provided? 		Phone #: Email:
<ul style="list-style-type: none"> Will a temporary protected sidewalk be provided? 		
<ul style="list-style-type: none"> Will a covered hoarding system be required? 		
<ul style="list-style-type: none"> Will a sidewalk be closed or rendered not usable? 		
<ul style="list-style-type: none"> Will the sidewalk (or any temporary pedestrian measures) be maintained and accessible for all pedestrians at all times (ie. mobility and visual impairments)? 		

<ul style="list-style-type: none"> Is there an accessible alternative sidewalk and/or crosswalk available nearby? 		
<ul style="list-style-type: none"> Are temporary pedestrian crossings or other control measures required? 		
<ul style="list-style-type: none"> Are there any bus stops impacted? 		
<ul style="list-style-type: none"> Will there be sufficient detour and way-finding information signage? 		

Site Protection:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Will there be construction activity within 2m of the public ROW? 		
<ul style="list-style-type: none"> Is the building footprint or excavation within 2m of the public ROW? 		(If yes, solid/opaque hoarding will be required.)
<ul style="list-style-type: none"> Will there be any beautification elements implemented? 		(if yes, please list general measures)

Lifting Operations - Cranes:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Is a Tower Crane Required? 		

Environmental Controls:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Is there a site specific sedimentation and erosion control plan or stormwater management plan? 		
<ul style="list-style-type: none"> Have noise, dust/debris, and emissions been considered? 		

Notifications:

ITEM	Y/N or N/A	COMMENTS
<ul style="list-style-type: none"> Is a pre-construction meeting required? 		
<ul style="list-style-type: none"> Is there any preliminary community consultation necessary regarding the construction activities? 		Consider the area demographics and project setting. Is this a strictly business/commercial/industrial setting? Or residential?

Sample Construction Management Plan



Image Source: <http://districtsource.com/2014/07/10-story-124-unit-building-approved-mt-vernon-triangle/>

10 Storey Mixed Use Building 1234 Street A Halifax, Nova Scotia

Prepared by:

XYZ Development Group

February, 2016

Note: The information presented in this document is for a fictional project and is intended for graphic representation purposes only. Any similarities to real projects are strictly coincidental.

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Section 1 – Project Description

The proposed development at 1234 Street A, Halifax, consists of a new 10 Storey, 152 unit residential building with ground floor commercial space, underground parking, and rooftop amenity space.

XYZ Development Group, together with ABC Contracting Ltd., have prepared this Construction Management Plan (CMP) in an effort to reduce potential negative impacts on the surrounding community. This CMP is intended to be an evolving, dynamic document to help guide the project team to mitigate impacts to the adjacent community before they arise and to address any unforeseen issues.

Section 2 – Project Contact Information

The project team for the proposed development consists of:

Developer: XYZ Development Group

987 Street Z, Suite 333

Halifax, NS

(902) 456-7890

Developer Project Manager: John Smith – (902) 123-4567 (cell)

Contractor: ABC Contracting Ltd.

789 Street y, Suite 222

Halifax, NS

(902) 654-9876

Contractor Project Manager: Jane Doe – (902) 987-6543 (cell)

Contractor Site Superintendent: Joe Blow – (902) 963-8521 (cell)

24 Hour Emergency Contact: ABC Contracting Ltd.

Wally Bell – (902) 369-2587

Section 3 – Construction Schedule & Logistics

For a detailed Construction Schedule, please refer Appendix A. The following is a brief summary of anticipated major project milestones:

- a) Construction Start: February, 2041
- b) Substructure Substantially Completed and Backfilled: May, 2041
- c) Superstructure Substantially Complete (sidewalks partially opened): November, 2041
- d) Building Façade Complete (sidewalks fully opened): December, 2041
- e) Building Complete: April, 2042

In addition to the above noted milestones, periodic utility disruptions (water, power, etc.) to adjacent properties may be required. Every effort will be made to ensure this work can be completed outside of normal operating hours of the affected businesses, such as weekends or evenings; however, the contractor must abide by the necessary Noise by-law requirements.

In an effort to expedite the construction activities within the public ROW and to mitigate potential impacts to the adjacent businesses, in accordance with Section 6 of the Noise By-Law, XYZ Development Group intends to apply to Council for a site specific Noise By-Law exemption with the following considerations:

- The construction site is located in a strictly business community and, therefore, the general public are not present in the area outside of business operating hours;
- Through preliminary consultation with local business groups, considering that the reduced utility disruptions and street closures during normal operating hours, the general consensus is that night work will have less negative impact on their operations and customers;
- No local businesses consulted in the affected area had any special events, or deliveries planned within the proposed timeframe of the proposed night work

All affected businesses will be notified a minimum of 10 days prior to any scheduled closures or utility disruptions.

Section 4 – Vehicle & Pedestrian Management

Prior to any construction activity on site, temporary workplace traffic control devices and signage will be erected in accordance with NSTIR Temporary Workplace Traffic Control Manual, as well as HRM Traffic Control Manual Supplement. Detailed Traffic Control and Pedestrian Management Plans can be found in Appendix C & D respectively.

With the approval of HRM Development Approvals and Traffic Authority, the existing parking lane along a portion of Street B will be barricaded to delineate a protected vehicle staging, delivery, and materials handling area to be used for the duration of the project.

This temporary encroachment will occupy 6 metered parking stalls. Upon completion of the project, all parking will be reinstated to pre-construction conditions or in accordance with the approved site development plans. It is understood that the construction is located within an urban environment with limited parking. Therefore, during construction, the contractor will endeavour to secure parking in surrounding lots for the workers so as to leave any remaining on-street parking for nearby businesses. In addition, the following alternative public parking venues may be utilized:

- On-street stalls,
- Parkade at 123 W Ave,
- Parking lot at 456 X Street,
- etc

In addition to the above noted public parking facilities, there is an existing 'No Parking – Loading Zone' along the Eastern boundary of the site, along Street C. This loading zone was used by the former occupant of the building that is to be demolished as part of this project. As such, this loading zone will not be required until the project is complete. During construction, this former loading zone will be converted to temporary on-street parking to facilitate the stalls that have been displaced on other affected streets.

Deliveries of construction materials will increase the amount of truck traffic on the surrounding streets. Depending on the construction activities, this increased traffic will vary both in size and frequency of vehicles entering and leaving the site. The most significant activities include: hauling of excavated earth, concrete pours, structural framing, and crane deliveries. Deliveries, vehicle staging, and crane pick-ups will be limited to the delineated staging area indicated on the proposed site plan.

Due to an existing active construction site across the street currently occupying that sidewalk, the northern boundary of the site, bordered by Street A, it is impossible to direct pedestrians to the other side of the street around the proposed site. As such, a temporary protected sidewalk will be established within the vehicle travelled lane. This encroachment will be delineated by concrete F-shape barriers and fencing for pedestrian safety and will remain operational throughout the duration of the project. Pedestrian movement on the sidewalk bordered by Street C will be protected via a walk-through scaffolding arrangement. Sidewalks will not be closed along Street C. All pedestrian walkways will be clearly delineated and accessible throughout the project duration.

These encroachments will be necessary to facilitate construction activities, such as excavation, deliveries, materials storage, staging, cladding, etc.. The temporary systems will be monitored regularly and adjusted as required or as directed by the Municipality.

In addition to the required notification criteria established in the HRM TCM Supplement, the Contractor will engage local businesses a minimum of 10 days prior to construction to coordinate any special requirements for deliveries or expected special events that are planned throughout the duration of the project. The contractor will endeavour to facilitate local deliveries and will work with local businesses to accommodate their needs, including such measures as temporary short duration traffic control for delivery vehicles if needed.

Both vehicular and pedestrian traffic will be managed effectively to ensure access to each surrounding business is not negatively impacted. The contractor will coordinate temporary street closures or detours with a minimum of 10 days' notice to the Municipality and the surrounding community, and will endeavour to clearly identify vehicular and pedestrian access routes throughout the duration of the project.

Section 5 – Construction Site Protection & Hoarding

In an effort to minimize noise, dust, and other debris from leaving the site, and to keep unauthorized personnel from entering the site, the entire perimeter of the work area will be delineated with chain-link mesh fencing anchored to concrete F-shape barriers.

The chain-link fencing will be covered with a combination of project advertising banners as well as opaque plywood areas that will be dedicated to local business signage and wayfinding information to further emphasize clarity. The developer will also engage local community groups to paint murals to help make the hoarding system more aesthetically pleasing and appealing. Protected viewing holes may also be constructed in strategic locations to allow public viewing into the active site through protected openings.

The following images depict the proposed encroachment layout and protection measures to be implemented on each impacted street:

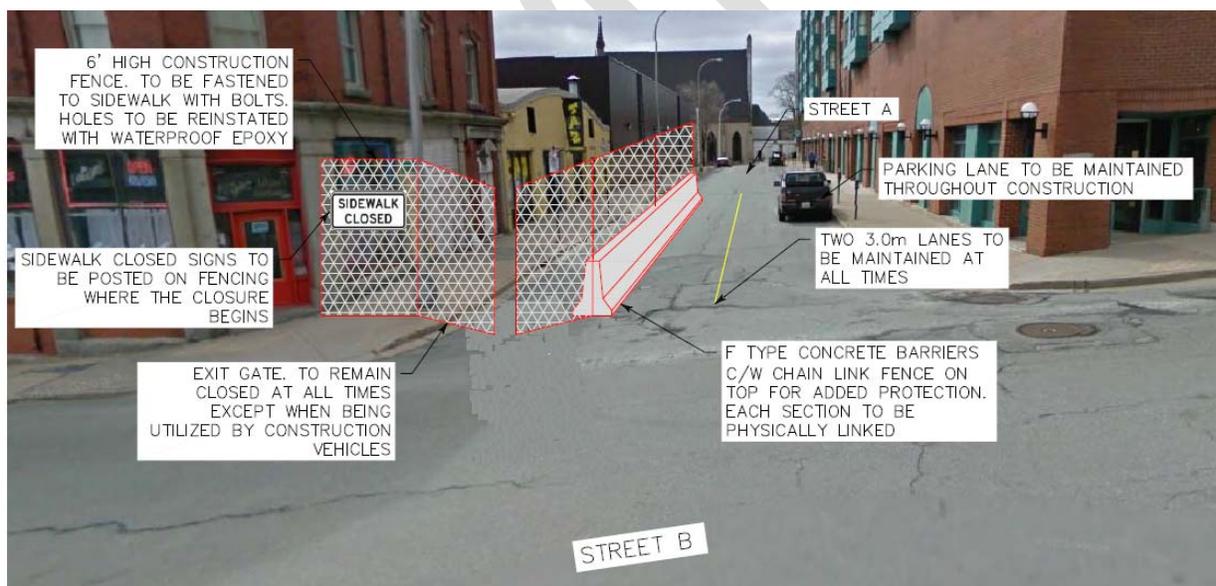


Figure 1 – Proposed delineated vehicle staging and delivery area; Street A. The Sidewalk is to be closed along this portion of the site; pedestrians must use the sidewalk on the other side of Street A.



Figure 2 – Proposed protected walkway; Street B. Due to the active construction site on opposite side of Street B, therefore there is no sidewalk on the other side of the street to which direct pedestrians.

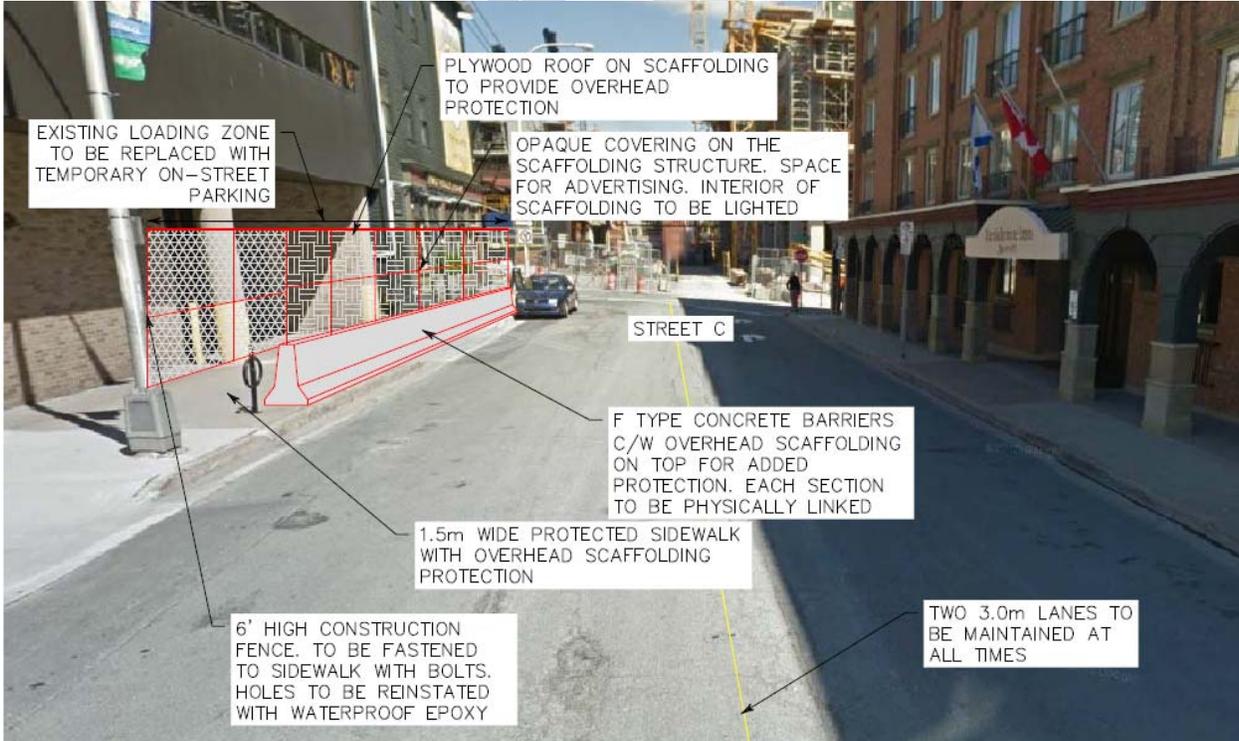


Figure 3 – Proposed walk-through scaffolding; Street C. This sidewalk will remain untouched during construction, however considering the proximity to the active work site, it will be necessary to include the walk-through scaffolding for added pedestrian protection.

In addition to opaque hoarding and fence coverings, the following measures will be implemented on site to remove dirt/dust/debris:

- a) Dirt and dust on site will be removed via street sweepers equipped with vacuum mechanisms;
- b) The loading/unloading area will be lined with coarse material such as gravel, or riprap, or asphalt to reduce mud from tracking into the adjacent street;
- c) Tarps and/or temporary enclosures will be erected around dust producing activities (ie. sweeping of floor slabs at higher elevations).

Section 6 – Lifting, Hoisting, and Crane Operations

This project will require a tower crane at the following coordinates:

XX° N,

YY° E,

Crane height: Zm

Transport Canada clearance approval has been obtained and Nav Canada has been notified. There have been no aerodromes identified within the required boundaries and the crane is not expected to impact any flight patterns or navigation equipment.

Temporary mobile cranes will be required periodically to erect and disassemble the tower crane, as well as temporary lifting during the cladding of the building superstructure. Temporary street and/or sidewalk closures may be required to facilitate erection/disassembly of the stationary tower crane. The contractor will coordinate temporary street closures or detours with a minimum of 10 days' notice to the Municipality and the surrounding community.

Although the tower crane swing radius identified on the site plan (refer to Appendix B) does extend over the public ROW, no loads will be moved or suspended over the travelling public. However, it is expected that intermittent short duration traffic or pedestrian stoppages may be required when loads are required to swing over the public realm.

Section 7 – On-Site Safety and Security

Both ABC Contracting Ltd and XYZ Development Group are registered members in good standing with the Nova Scotia Construction Safety Association and are committed to upholding the safety of their workers and the public paramount.

In addition to ensuring strict compliance with all applicable safety codes and regulations, the following safety protocols will be implemented to further enhance the site safety and security:

- a) Contractor and Sub-trade workers will all be required to attend a mandatory site safety orientation training session;
- b) Personal protective equipment (PPE) will be required for all personnel on site;
- c) Adequate signage will be placed outside the hoarding, which warns of all hazards that may exist;
- d) Gates will be locked and the perimeter fencing secured to provide security against public access during off work hours and monitored in high traffic areas during operation;
- e) Hoarding will be marked clearly “No Trespassing – Construction Personnel Only”, and personal protective equipment requirements clearly marked (e.g., “Hard Hats and Safety Footwear Must Be Worn Beyond This Point”);
- f) Regular safety inspections will be conducted to ensure suitability of hoarding and other safety devices;
- g) Emergency contact information will be prominently posted.

Section 8 – Pre-Construction Consultation & Meeting

XYZ Development Group are committed to positive public engagement through our design and construction processes. In preparation of this CMP, we have engaged all local businesses within the affected area to determine any special considerations or potential conflicts that may arise throughout the construction phase of this project. Through our preliminary consultations, we were able to determine specific information for each affected business:

- a) Business #1:
 - Retail shop;
 - Normal operating hours: 9:00am – 5:00 pm;
 - Local deliveries every 2 weeks; Wednesday afternoons; approximately 2:00pm;
 - Typically have sidewalk displays during summer months and doors left open. Special care will be given to dust control in this vicinity.
- b) Business #2:
 - Office space;
 - Normal operating hours: 9:00am – 5:00pm;
 - Rely heavily on water/utilities. Utility disruptions force workers to go home. Special consideration/coordination of utility disruptions will be required.
- c) Business #3:
 - Restaurant;
 - Normal operating hours: 11:00am – 10:00pm;
 - Rely heavily on water/utilities. Utility disruptions force closure. Special consideration/coordination of utility disruptions will be required;
 - Local deliveries every 2 weeks; Monday mornings; approximately 11:00am; deliveries are from an 18-wheel tractor trailer, which may require temporary traffic control if loading zones are blocked.
- d) Business #4:
 - Retail shop;
 - Normal operating hours: 11:00am – 10:00pm;

- Local deliveries every 2 weeks; Tuesday mornings; approximately 11:00am; deliveries are from an 18-wheel tractor trailer, which may require temporary traffic control if loading zones are blocked;
- Special 20 year anniversary sale/celebration planned for week 25; there are no planned utility disruptions or extraordinary/significant construction activities expected for that period, however, any unforeseen activities that may interfere with this event will be coordinated with the local business as soon as they become know.

In addition to our preliminary consultation with local businesses within the affected area, it is expected that a Pre-Construction meeting will be held a minimum of 10 days prior to the start of any construction activity on site. The following is a brief, non-comprehensive agenda for the pre-construction meeting:

- Project description
- Project schedule
- Utility connections/disruptions
- Encroachment requirements; traffic control setup; and pedestrian management
- Site Safety and protective hoardings
- Site logistics/loading/unloading/deliveries

It is expected that the following representatives would attend the pre-construction meeting:

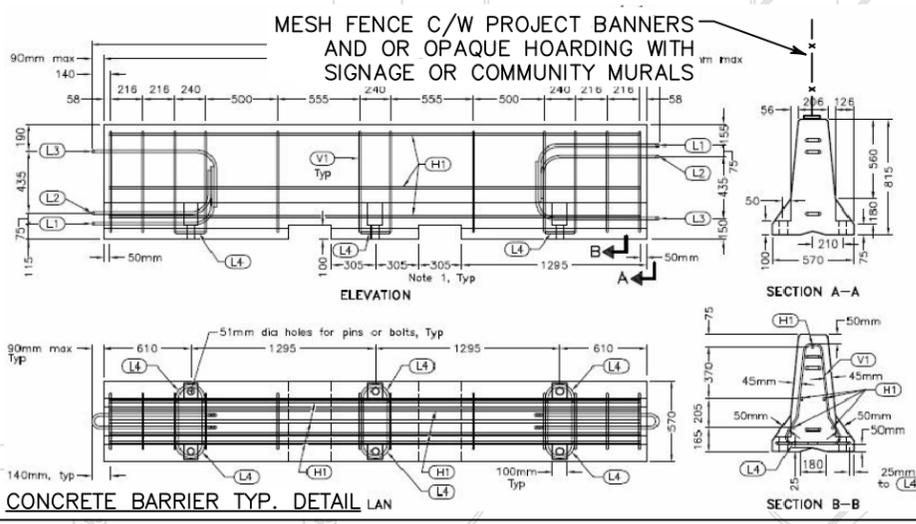
- Municipality
- Contractor
- Developer
- Utilities (Power, Water, Gas, etc.)
- NS Department of Labour
- Affected Businesses (the it may be prudent to include a representative from the local business community within the affected area, however, based on our preliminary consultations with the local businesses, this may not be necessary since no items of immediate concern have been identified).

Appendix A – Construction Schedule

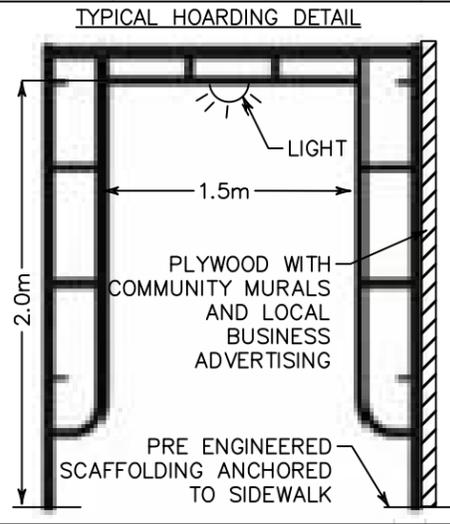
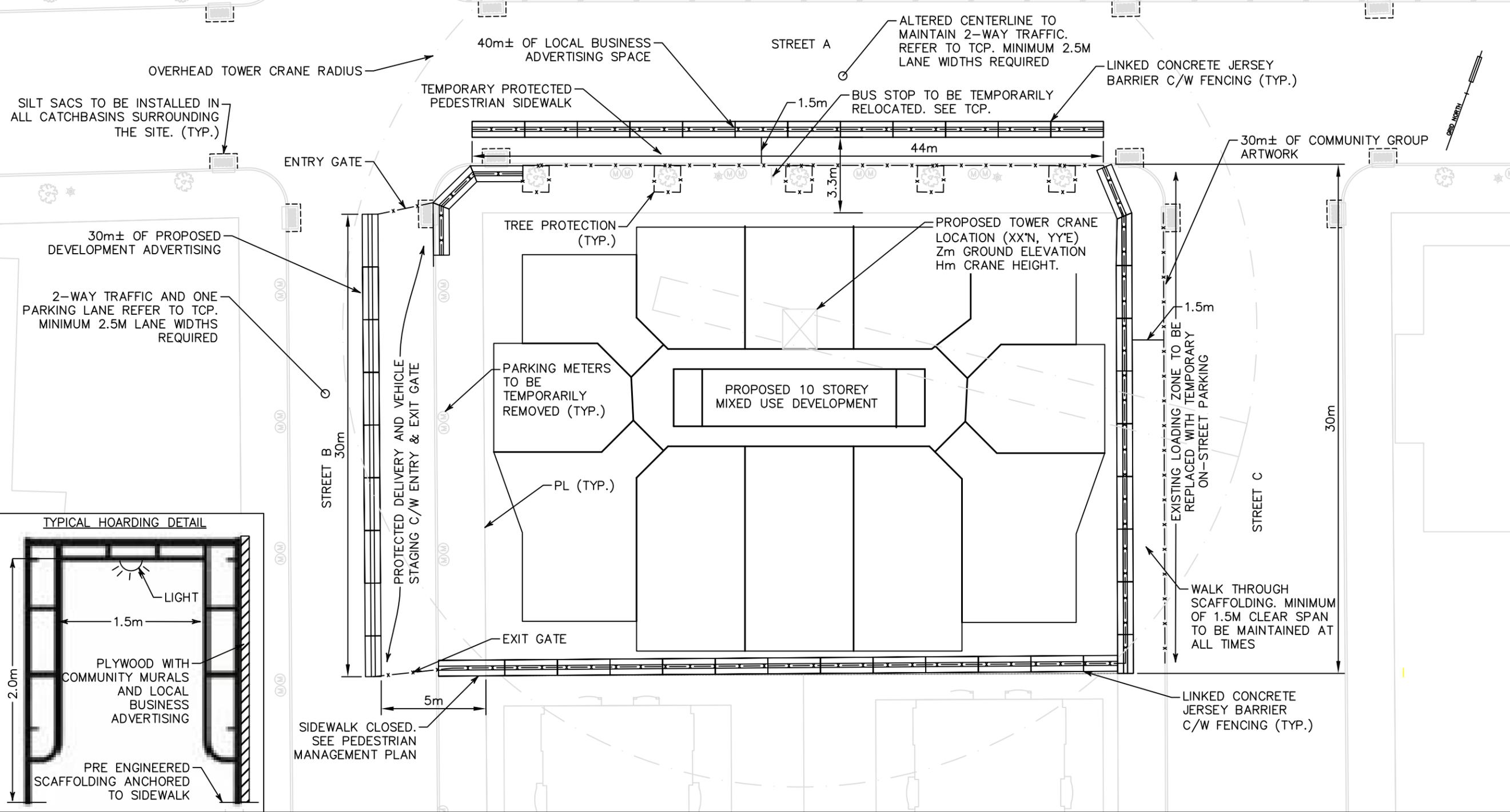
SAMPLE

Appendix B – Site Plan

SAMPLE



EXISTING		PLAN LEGEND		PROPOSED	
△	PT NO	△	SURVEY CONTROL POINT	○	WATERVALVE
●	FIRE HYDRANT	○	UTILITY POLE AND GUY WIRE	○	SIGN POST/BASE
—	FENCE	—	RETAINING WALL	—	CONCRETE CURB
—	CONCRETE CURB	—	PROPERTY LINE	—	BASELINE
□	SEWER MANHOLES	□	CATCHBASIN	□	GAS MAIN
—	CONCRETE SURFACE	—	ASPHALT SURFACE	—	EDGE OF GRAVEL SURFACE
—	WATERMAIN	—	TREE	—	DETECTOR LOOP
—	PEDESTRIAN RAMP	—	BUS STOP AND/OR SHELTER	—	



No.	Date	Revision	Description	App'd
1			SAMPLE	

COMPANY LOGO

STREET NAME
LIMITS
COMMUNITY

PROPOSED ENCROACHMENT PLAN

Date	Drawn	Tender No.
N/A	N/A	08-000
Scale	Checked	Sheet
Horz. N/A		1 Of 1
Vert. N/A	Survey No.	Drawing No.
		08000000

Appendix C – Traffic Control Plan

SAMPLE

TRAFFIC CONTROL SIGNS TO BE PLACED AS PER THE TEMPORARY WORKPLACE TRAFFIC CONTROL SIGN MANUAL



EXISTING CONSTRUCTION SITE

2.5M MINIMUM LANE WIDTH. 1 LANE IN EACH DIRECTION

1.5M WIDE PROTECTED SIDEWALK

STREET B

TRAFFIC CONTROL SIGNS TO BE PLACED AS PER THE TEMPORARY WORKPLACE TRAFFIC CONTROL SIGN MANUAL



EXISTING		PLAN		LEGEND		PROPOSED	
△	PT NO	△	SURVEY CONTROL POINT	○		○	
●	FIRE HYDRANT	○	WATERVALVE	○		○	
○	UTILITY POLE AND GUY WIRE	○	RETAINING WALL	○		○	
○	SIGN POST/BASE	○	CONCRETE CURB	○		○	
—	FENCE	—	PROPERTY LINE	—		—	
—	BASELINE	—	SEWER MANHOLES	—		—	
—	CATCHBASIN	—	GAS MAIN	—		—	
—	CONCRETE SURFACE	—	ASPHALT SURFACE	—		—	
—	EDGE OF CHANNEL SURFACE	—	WATERMAIN	—		—	
—	TREE	—	DETECTOR LOOP	—		—	
—	PEDESTRIAN RAMP	—	BUS STOP AND/OR SHELTER	—		—	

TRAFFIC CONTROL SIGNS TO BE PLACED AS PER THE TEMPORARY WORKPLACE TRAFFIC CONTROL SIGN MANUAL

2.5M MINIMUM LANE WIDTH. 1 LANE IN EACH DIRECTION

DELIVERY AND VEHICLE STAGING AREA

STREET A



PROPOSED 10 STOREY MIXED USE DEVELOPMENT

WALK THROUGH SCAFFOLDING

BUS STOP TEMPORARILY RELOCATED HERE

STREET C

TRAFFIC CONTROL SIGNS TO BE PLACED AS PER THE TEMPORARY WORKPLACE TRAFFIC CONTROL SIGN MANUAL

PROJECT CONTACT INFORMATION:

CONTRACTOR CONTACT: _____ Date _____

CERTIFIED TRAFFIC CONTROL SIGNER CONTACT: _____ Date _____

REVIEWED AND APPROVED FOR TRAFFIC SIGNALS AND PAVEMENT MARKINGS

App'd _____ Date _____

for TRAFFIC AUTHORITY

No.	Date	Revision	Description	App'd
1			SAMPLE	

COMPANY LOGO

STREET NAME
LIMITS
COMMUNITY

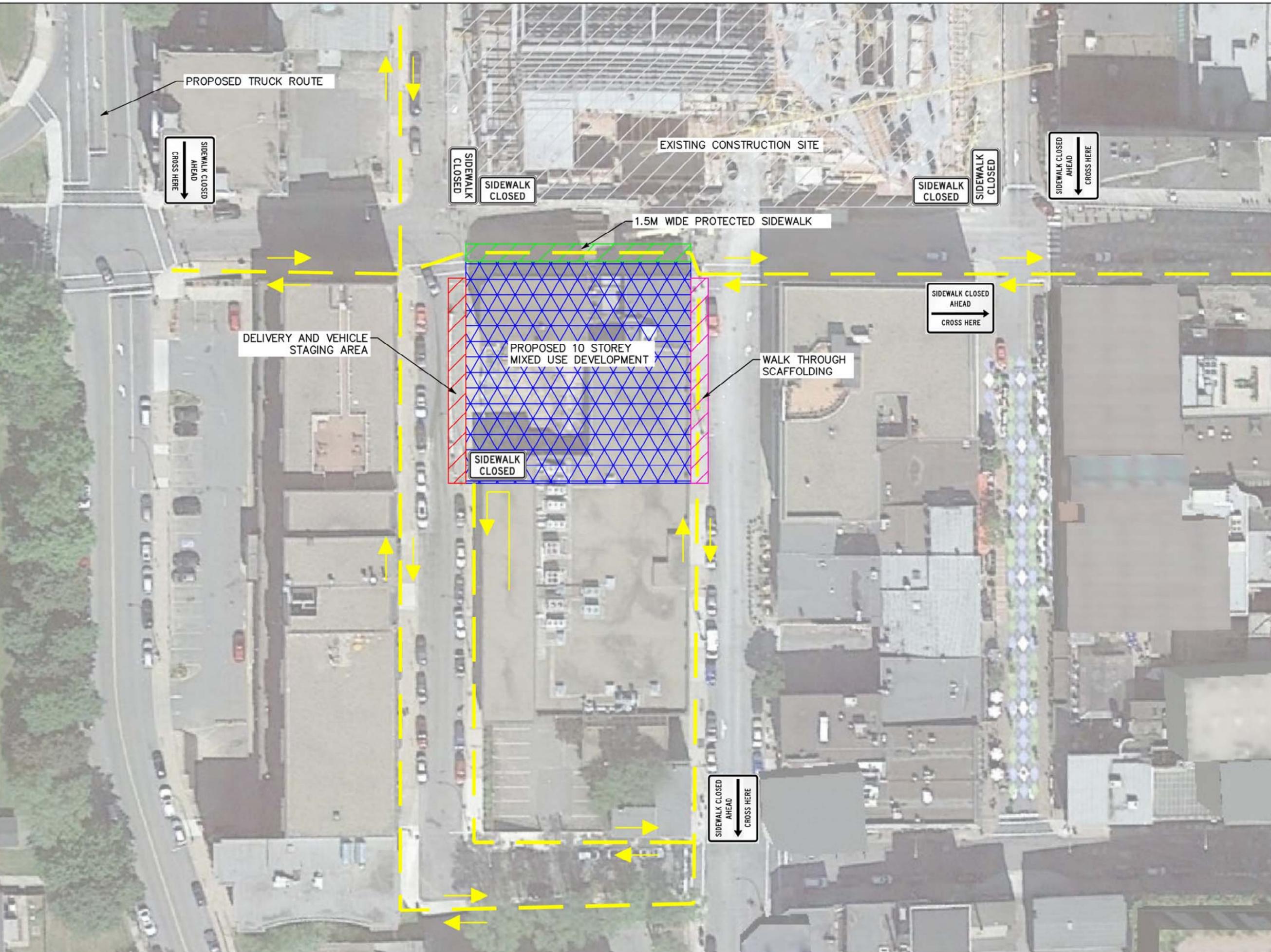
TRAFFIC CONTROL PLAN

Date	M/D/Y	Drawn	N/A	Tender No.	08-000
Scale	Horz: N/A Vert: N/A	Checked		Sheet	1 Of 1
Reference	Survey No.			Drawing No.	08000000

Appendix D – Pedestrian Management Plan

SAMPLE

EXISTING		PROPOSED	
△ PT NO	SURVEY CONTROL POINT	●	
○	WATERVALVE	○	
●	FIRE HYDRANT	●	
○	UTILITY POLE AND GUY WIRE	○	
●	SIGN POST/BASE	●	
—	FENCE	—	
—	RETAINING WALL	—	
—	CONCRETE CURB	—	
—	PROPERTY LINE	—	
—	BASELINE	—	
□	SEWER MANHOLES	■	
□	CATCHBASIN	■	
□	GAS MAIN	■	
—	CONCRETE SURFACE	—	
—	ASPHALT SURFACE	—	
—	EDGE OF GRAVEL SURFACE	—	
—	WATERMAIN	—	
○	TREE	○	
○	DETECTOR LOOP	○	
○	PEDESTRIAN RAMP	○	
■	BUS STOP AND/OR SHELTER	■	



PROJECT CONTACT INFORMATION:

CONTRACTOR CONTACT: _____ Date _____

CERTIFIED TRAFFIC CONTROL SIGNER CONTACT: _____ Date _____

REVIEWED AND APPROVED FOR TRAFFIC SIGNALS AND PAVEMENT MARKINGS

App'd _____ Date _____

for TRAFFIC AUTHORITY

No.	Date	Revision	Description	App'd
1			SAMPLE	

COMPANY LOGO

STREET NAME
LIMITS
COMMUNITY

PEDESTRIAN MANAGEMENT PLAN

Date	4/2/17	Drawn	N/A	Tender No.	08-000
Scale	Horz: N/A Vert: N/A	Checked		Sheet	1 Of 1
Reference		Survey No.		Drawing No.	08000000

Appendix E – Haul Route and Vehicle Staging Plan

SAMPLE

EXISTING	PLAN	LEGEND	PROPOSED
△ PT NO		SURVEY CONTROL POINT	○
●		WATERVALVE	●
⊙		FIRE HYDRANT	⊙
⊕		UTILITY POLE AND GUY WIRE	⊕
⊙		SIGN POST/BASE	⊙
---		FENCE	---
---		RETAINING WALL	---
---		CONCRETE CURB	---
---		PROPERTY LINE	---
---		BASELINE	---
□		SEWER MANHOLES	□
□		CATCHBASIN	□
---		GAS MAIN	---
---		CONCRETE SURFACE	---
---		ASPHALT SURFACE	---
---		EDGE OF GRAVEL SURFACE	---
---		WATERMAIN	---
⊙		TREE	⊙
⊙		DETECTOR LOOP	⊙
⊙		PEDESTRIAN RAMP	⊙
⊙		BUS STOP AND/OR SHELTER	⊙

PROJECT CONTACT INFORMATION:

CONTRACTOR CONTACT: _____ Date _____

CERTIFIED TRAFFIC CONTROL SIGNER CONTACT: _____ Date _____

REVIEWED AND APPROVED FOR TRAFFIC SIGNALS AND PAVEMENT MARKINGS

App'd for _____ Date _____

TRAFFIC AUTHORITY

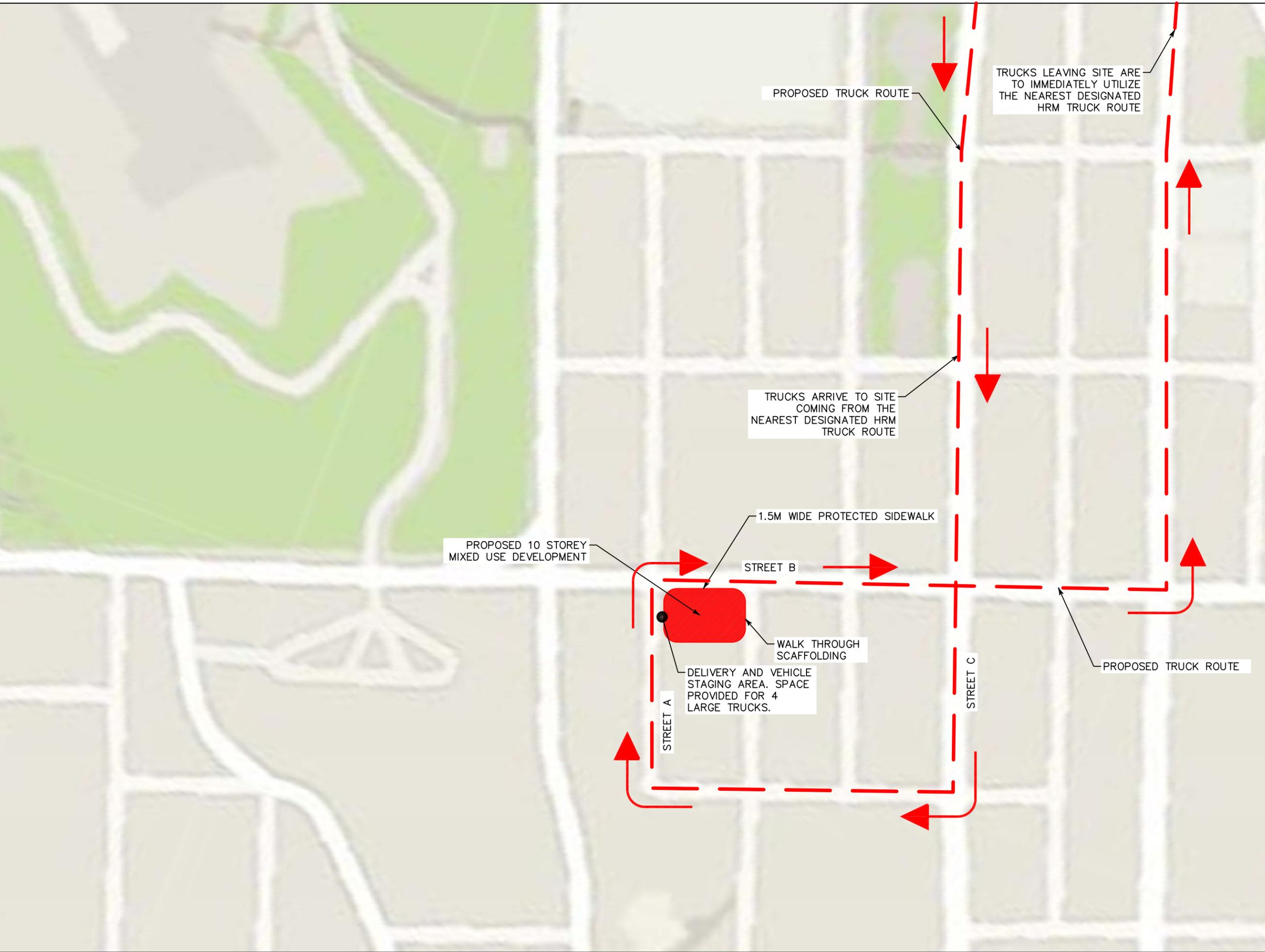
No.	Date	Revision	Description	App'd
1			SAMPLE	



STREET NAME
LIMITS
COMMUNITY

PROPOSED TRUCK ROUTE PLAN

Date	Drawn	Tender No.
N/A	N/A	08-000
Scale	Checked	Sheet
Horz: N/A		1 Of 1
Vert: N/A	Survey No.	Drawing No.
		08000000



Appendix F – Site Information & Wayfinding Signage

SAMPLE

DEVELOPMENT INFORMATION BOARD



10 STOREY MIXED USE BUILDING
1234 STREET A
HALIFAX, NS

DEVELOPER:

XYZ DEVELOPMENT GROUP
987 STREETZ, SUITE 333
HALIFAX, NS
902-456-7890

DEVELOPER PROJECT MANAGER:
JOHN SMITH - 902-123-4567 (CELL)

CONTRACTOR:

ABC CONSTRUCTION LTD.
789 STREET Y, SUITE 222
HALIFAX, NS
902-654-9876

CONTRACTOR PROJECT MANAGER: JANE DOE - 902-987-6543 (CELL)

CONTRACTOR SITE SUPERINTENDENT:
JOE BLOW - 902-963-8521 (CELL)

24 HOUR EMERGENCY CONTACT:

ABC CONTRACTING LTD. - WALLY BELL - 902-369-2587



LOCAL BUSINESSES OPEN AHEAD

bookina
BOOKING APP

PROCESSEUR DE
groops - de

THREE LEAF TECH
SOFTWARE DEVELOPMENT

henne
CATERING

AN INTERNATIONAL
HEADLINERS

JARED ROUSSEL
WEB DEVELOPMENT

la fabrique
PLANT & CONCEPT RESTAURANT

hungift
RESTAURANT

FOCLIFTER
FOOD & BEVERAGE

SUN 706
WINE & SPIRITS

WASSERS

sinapps

sleep talk! inc
HOTEL & RESTAURANT

aspect

high mom!
RESTAURANT

COCOON MKT
MARKETING

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Construction Management Guidelines “What We Heard”

Summary of Community Engagement

May 2nd, 2016



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Summary

In February 2016 Regional Council directed the development of new construction guidelines to address impacts of construction activity on businesses, residents and visitors in time for the 2016 construction season. The proposed guidelines are based on best industry practices and stakeholder feedback. The steps in this planning process include:

- Staff Report to Transportation Standing Committee (June 2015)
- Regional Council direction to initiate this process (February 2016)
- Stakeholder Engagement Sessions (Winter 2016)
- On-line community engagement through Shape Your City (April 8 – 29)
- Summary of Community Engagement (May 2016)
- Staff report containing recommended Construction Management Guidelines to Transportation Standing Committee and Regional Council (May 2016)

Community engagement on the proposed construction mitigation guidelines took place between February and April of 2016. The consultation process included stakeholder meetings with the business, development and construction industry, as well as a public open house on April 18, 2016 attended by approximately 50 people. On-line engagement was also encouraged through a Shape Your City project site. The proposed guidelines attracted significant community and media attention during the consultation period. The purpose of this report is to summarize the community engagement process and feedback.

In general stakeholder and public comments on the proposed guidelines have been very positive. Participants commented on the comprehensive nature of the guidelines, and on the progressive practices being adapted. While many urged a timely implementation, many stressed the need to prioritize pedestrians, cyclists and businesses in construction mitigation plans but to also consider opportunities to “make-up” lost parking spaces. Good signage and notification were also raised as an important issue, including early and ongoing communication using a variety of channels. Consequently, no changes to the guidelines were made as a result of public comment. However members of the public encouraged the Municipality to evaluate the experience of the first construction season and to invest in educating both the community and the business and development community about the Guidelines.

Project Overview

The purpose of Technical Guidelines for Construction Mitigation is:

- To improve site management and lessen impacts on business owners, residents and visitors.
- To provide information to the Municipality on how the builder/developer will address various aspects of the construction process.

The Guidelines will apply to:

- All work within 5m of the public right-of-way and all street closures and service interruptions will require a Construction Management Plan.
- The requirements of the construction management plan will vary depending on the project, the site, and the surrounding conditions.

The Construction Management Plan will be part of the development application review and approval process. All applications will be reviewed for the project’s scale and complexity and may be exempt from certain requirements. A summary of the proposed guidelines were the focus of this engagement process.



Figure 1 Project Timeline

Community Engagement Process

Community engagement for the Construction Management Guidelines Process was designed in accordance with the [Community Engagement Strategy](#). The goals of the process were to be open, transparent, and inclusive. Figure 1 below illustrates key points in the process.

Stakeholder consultation

Stakeholder meetings were conducted in February and March of 2016 with approximately 20 representatives of downtown business owners, development and construction industry. Staff also reached out to all of the business improvement commissions. The purpose of the meetings was to inform the business community about the proposed guidelines and to gain feedback on the proposed guidelines. In general there was significant support for the guidelines and comments largely focused on the approval process.

Public Open House

The Construction Management Guidelines Open House took place on April 18th, 2016 at the Medjuck Building Exhibition Room on Dalhousie University's Sexton Campus. Community engagement was intended to inform the public about the process and to seek feedback on the proposed guidelines.

Community outreach was conducted through Facebook, twitter, media advisory, online (HRM's website, shapeyourcityhalifax.ca), traditional newspaper advertising and posters throughout downtown Halifax and Dartmouth.

Approximately 50 residents and interested stakeholders attended the open house (31 signed-in). Public input was received through a Q&A session, written comments on posters, and through discussion with staff.

Online Web Forum

The online web forum through [Shape Your City](#) was open online for public comment from April 6 to April 29, 2016. The on-line forum enabled the posting of comments and questions as well as participation in a "quick poll". An extensive [FAQ](#) was also available for this process. Approximately 970 people visited the on-line forum during the consultation period.



Construction Mitigation Guidelines

The municipality will be sharing proposed guidelines to address impacts of construction activity on businesses, residents and visitors. Join us at an open house to discuss improvements to regulations and enforcement.

Monday, April 18, 2016 from 12 – 6 p.m.
Hourly presentations starting at 12:30 p.m.
Ralph M. Medjuck Building, Exhibition Room
Dalhousie University, 5410 Spring Garden Road

shapeyourcityhalifax.ca/construction-mitigation **HALIFAX**

Fig. 2 Public ad and Information poster placed throughout Halifax and Dartmouth downtown areas.



Fig.3 Participants at the April 18th, 2016 Open House and Workshop, Halifax.

Public Participation

This section provides a summary of public participation in the Construction Management Guidelines Engagement process.

Open-house April 18th, 2016	<ul style="list-style-type: none"> • Approximately 31 participants
Meetings with the representatives construction industry and local business associations	<ul style="list-style-type: none"> • 20 representatives
Letters & E-mails Received	<ul style="list-style-type: none"> • 6 (?)
Shape Your City, Web Forum (April 6 – April 29)	<ul style="list-style-type: none"> • 968 page views • 183 document downloads • 788 aware • 269 informed • 16 engaged

- *Aware* - number of people who visited the project page
- *Informed* - number of people who have taken some action to learn more about the project (e.g. download a document)
- *Engaged* - number of people who contributed to the project (e.g. posted a comment or question)

Construction Management Guidelines Construction Site Protection

Current State

Without robust site protection barriers there is potential for interaction between construction activities and the community. The National Building Code currently requires a strongly constructed barricade for construction within 2m of a public way.



What can we do about it?

- Minimum 2.4m high barrier made of opaque material for construction within 2m of public ROW.
- Barriers designed to sustain likely loads such as wind, snow and falling debris.
- Signage to warn of potential risks.



Construction Management Guidelines Impact and Mitigation

Site Protection



Current



Proposed

Movement and Mobility



Current



Proposed

HALIFAX

HALIFAX

Fig. 4 Example of April 18th, 2016 Open House posters

“You have done a good job of drafting the regulations following the principle that pedestrian traffic must be a foremost consideration in the preparation of a Construction Management Plan. The regs should mean a significant improvement over current practice, in some cases. Is there a need to separate the submission requirements for pedestrians according to their abilities, or should the pedestrian requirements be combined into one section, for all ages and abilities?”

Construction Management Guidelines Open House Public Comment

Results – What we heard

Stakeholder comments

In general the proposed guidelines were well-received by the business, development and construction activity. While there were some questions around the process and technical details, other comments included the following:

- Clarity around how the guidelines will apply to road construction and road improvement projects
- CMPs should address Dust and Debris falling from building floors as well
- CMPs should address delivery and other needs of surrounding businesses
- Trucking material from site should consider surrounding business needs
- Flexibility needed for notification if weather impacts construction in street.
- How will this be administered (guideline vs by-law)
- When will CMP be submitted/reviewed (bldg. permit stage vs development proposal stage)

Public Comments

Detailed comments from the open house, meeting, and on-line forum are available in Appendix 1. Many participants provided general comments on the *Construction Management Guidelines*, but also commented on long term vision and planning strategy for communities impacted by development. Key comments were centred on sidewalks and walkability, site maintenance and safety, as well as traffic and transportation.

Representatives of area businesses and community members expressed the importance of considering and mitigating impacts on existing local businesses and residents during the construction process. Staff heard from the community that it is important to consider existing residents and businesses in planning for the future. Members of the public felt that certain issues, such as pedestrian movement need to be prioritized and that additional opportunities should be explored to improve the aesthetics of the construction sites.

“In general, I think that the construction protection and temporary sidewalks should just be included in the cost of development, with no subsidies whatsoever. During the construction period, construction is harmful to the neighbouring businesses, not only because of what it does in terms of diversion of traffic and parking, but also because of the noise and unpleasantness of the environment. HRM will bear the cost indirectly. I feel the construction management plan process does not adequately weight the impact of construction on its neighbours and does not require the developer to commit on paper to being a good neighbour by trying to mitigate the worst effects and being proactive in assisting the neighbours to retain business.”

Open House Public Comment

Appendix 1. Construction Management Guidelines

Public Comments

All comments from Construction Management Guidelines Consultation Process

These comments are collected from the public through email, summaries of the open house discussion and through comments posted online from the shapeyourcity website. The comments received in writing are included verbatim with no edits, additions or deletions. They represent the opinion of the participants, and do not, necessarily, represent the opinion(s) of Halifax Regional Municipality.

Comments from Open House and Shape Your City web Forum (Number in brackets indicates the number of thumbs up! or thumbs down on web forum)

1. Is there anything missing from the proposed guidelines?

- Accessible information for people with vision loss ie. online and proper sidewalk signage.
- Discussion on using developer fees to mitigate construction impacts (ie. parking, signage, art, promotion, and enhanced maintenance).
- What is being done for business to alleviate the lack of business due to construction?
- Additional measures to re-route bike lanes.
- Parking issue is significant to deal with business need.
- Require meetings with businesses and residents within 3 km of development, and written commitment on managing signage and pedestrian corridors in from of existing businesses.
- Signage directing to parking lots.
- In the situation where an alternate pedestrian route can only be provided by crossing to the other side of the street (versus installing a temporary sidewalk alongside the construction site) and a marked crosswalk will be provided to highlight this alternate route, how will the crosswalk be marked in the 5 to 6 months of the year when we can't apply paint? Are there alternate methods to mark the crosswalk, aside from the requisite black and white signs? The construction project should not be held up because of the inability to paint the crosswalk, but, the new crosswalk should be marked when the regular sidewalk is blocked off.
- Trees how to protect HRM Trees.
- The guidelines are missing information on what to do when a bike lane is present. The downtown area has most of the construction issues and most of the city's bike lanes. It is important that bike lanes be maintained during construction, rather than merging people on bicycles back into traffic.
- In general, I think that the construction protection and temporary sidewalks should just be included in the cost of development, with no subsidies whatsoever. During the construction period, construction is harmful to the neighbouring businesses, not only because of what it does in terms of diversion of traffic and parking, but also because of the noise and unpleasantness of the environment. HRM will bear the cost indirectly. I feel the construction management plan process does not adequately weight the impact of construction on its neighbours and does not require the developer to commit on paper to being a good neighbour by trying to mitigate the worst effects and being proactive in assisting the neighbours to retain business.
- There should be reasonable construction time frames put in place at the start of a project with appropriate penalties if they are not met. Some projects take far too long.. i.e. the Nova Center is a good example of a project taking too much time. They built the Empire State Building in 1 year surely this much smaller project should have been completed in two years max.
- The regulations do not appear to include the criteria that the Road Safety Engineer will use to assess the Construction Management Plan. How will the developer know whether to include a temporary sidewalk adjacent to the construction site or require a pedestrian detour to the far-side sidewalk? How will the regulations provide the following direction to the developer, or similar:
- A walkway should be provided for pedestrian travel in front of every construction and demolition site.

The developer should work to ensure sidewalk closures are a last resort and only used in unique situations where no practical solution is available. A pedestrian construction route should take precedent over on-street parking and all but one through motor vehicle lane in each direction.

- I think the Pedestrian Management Plan needs to require owner/operators to explore all possible alternatives to sidewalk closures. The Spring Garden sidewalk closure is a good example of this.

2. How would you like to be notified about construction projects in your area?

- E-mail
- Mail
- Text Message
- Notices walked around to affected residents and businesses
- Written notice before finalizing construction, before major noise or dust.
- Will you be posting the sidewalk closures, location of temporary sidewalks, bus stop relocations, etc. on your halifax.ca website in map format with information on duration of closure?
- Residents and businesses which are adjacent to the proposed construction site should be included as stakeholders in the construction management plan process. These projects will ultimately be included in the neighbourhoods and it is better to include the neighbours early on in the process and find out their concerns. The reason that developers want to build in a particular location is because they believe the neighbourhood will support the development and will continue to be the kind of place where people want to work and live. Until the development occurs, the developer is an "outsider" and probably should take account of the inputs of those who are already living and working in the neighbourhood.
- HRM and its taxpayers lose if areas around construction sites and new developments decline during the period of construction. People who know the existing users of the area may have better ideas on how to mitigate the negative impacts of construction.

3. In relation to construction projects, what issues are you most concerned about?

- Make sure a sidewalk is always available.
- Communication improvements.
- Grid lock.
- Issue reporting/tracking and public notification thereof. Ability to search by contractor.
- Business interruption.
- Street user experience – bikes and pedestrians.
- Parking.
- Parking, hoarding and accessibility.
- Communicating timelines about the projects.
- Safety for pedestrians walking near the sties
- Cleanliness for the sites.
- Pedestrian access to existing businesses and generally- keep sidewalks wide, protected and clean.

4. What else should be considered as part of this review process?

- Mid-block crossing as a temporary measure.
- Compensation for business owners.
- Construction management task committee with representative from several departments and major stakeholders.
- The word 'construction' should be carefully defined. A business downtown had scaffolding in front of it for over a year and a half. A clause in the lease protected against lost revenue due to construction. However, the landlord claimed that the scaffolding did not constitute 'construction'. How would construction look any different? How would the impact be any different?
- 7 bus.
- Day notice for street closure. Don't be too worries about making on street parking or automobile use too easy. Off street parking with good signage to existing business area will go a long way to ensuring good urban environments. Do not give rebate for attractive hoarding – it should just be a requirement and cost of doing business. Plywood hoarding not necessary, flexible fabric hoarding is fine and maybe even preferable – it is nice to be able to see the movement through the fabric.
- Detours should include wayfinding to existing businesses and tourist locations.
- CMP requirements should be the same for all developments and construction adjacent to business

districts and should leverage the changes required as part of the plan to support HRM's ongoing development of active transportation and expansion of mass transit. Required pedestrians access for Burnside as well as for more congested urban core.

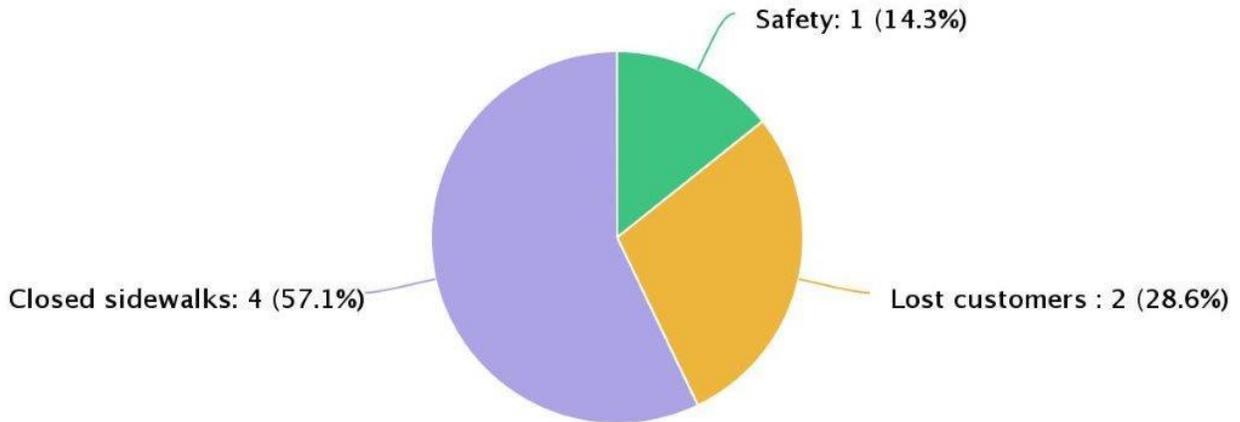
- Create pedestrian access from bus stops or office

5. Do you have any other comments or questions?

- Thanks for doing this.

6. Quick Poll Results

In relation to construction projects, what issue are you most concerned about?



Appendix 2 Written Submissions