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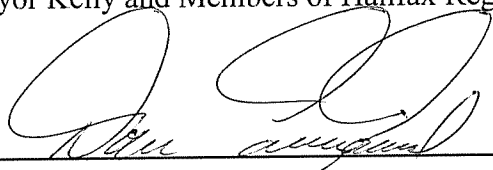


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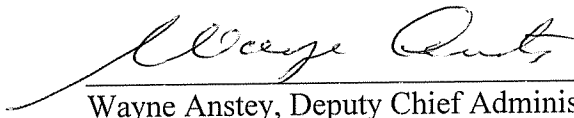
Halifax Regional Council
July 3, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: June 28, 2007

SUBJECT: Proposed By-Law S-900, Respecting the Establishment of Controlled
Access Streets for Streets within the Halifax Regional Municipality

SUPPLEMENTARY REPORT

ORIGIN

Proposed By-Law S-900 is scheduled for a Public Hearing and Second reading at HRM Council July 3, 2007. After the draft by-law was presented to Council, the need for some minor editing has become apparent. As well, two streets were omitted from the list of streets proposed to have control of access applied.

RECOMMENDATION

It is recommended that Council approve By-Law S-900 as attached to this Supplementary Report.

BACKGROUND

Report to Committee of the Whole, May 29, 2007.

DISCUSSION

When first reading was given to this proposed by-law some significant amendments in the draft were included at that time. These amendments removed from the draft the list of streets where new driveways and public roads could be approved subject to the by-law requirements for good design. The list which remains, and the supporting by-law text, covers only those streets for which major controls were intended, such that no new driveways would be allowed and only very few new roadways, at limited and controlled locations, would be allowed.

Since that time a number of minor textual changes have come forward that are intended to improve the readability of the by-law and consistency of language within the by-law.

Also, two roadway sections were inadvertently omitted from the list of roads proposed for full control of access.

The proposed wording and formatting changes in the by-law are as follows:

Delete the word "Revised" in the third line of the introductory paragraph.

In Section 1, change "By-Law" to "by-law" immediately after the word "This". Change "By-Law" to "by-law" throughout the text except where it is part of the structure "By-Law S-900" or similar. Delete the second sentence of Section 1.

In Section 2, make both paragraphs into one paragraph by omitting the blank line before the words "This By-Law also provides ..."

In Section 3, change all the capital letters in the words to be defined to lower case letters. For example, change "'Municipality'" to "'municipality'", except for "Engineer".

In Section 4, change the section to read: "The streets, or portions thereof, within the core area and under the control of the municipality as listed in Schedule A are hereby designated as controlled access streets where no new access will be permitted except in exceptional circumstances and only in accordance with good street access management principles."

In Section 6 (2) further indent the sub-sub-sections (a) and (b).

Renumber Section 8 as Section 7.

In the original Section 9, which will now be renumbered as Section 8, add commas either side of the phrase “or any person acting under his authority”.

Renumber Section 10 as Section 9.

In the original Section 11, which will now be numbered as Section 10, omit the word “and” after the word “municipality” in the first line. Change “The” in the first line to “the”.

Renumber Section 12 as Section 11.

Renumber Section 18 as Section 12.

In the original Section 19 (2), which will now be renumbered as Section 13, change the words “Council may direct the Clerk to apply to a Judge of the Trial Division of the Supreme Court, by way of action or originating notice” to “the municipality may apply to a Judge of the Supreme Court”.

In Schedule A, add to the list of streets:

Wright Avenue between Burnside Drive and Highway 118; and
Mount Hope Avenue between Orion Court and south west end of Mount Hope Avenue.

BUDGET IMPLICATIONS

There are no budget implications arising from the changes proposed in this supplementary report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could turn down the above noted “housekeeping” amendments but this would leave a by-law with minor wording defects.

Council could also turn down the proposed additions to Schedule A but then those roadways would have less than the recommended protection applied to them.

ATTACHMENTS

Attachment One - revised draft Controlled Access Streets B-Law S-900.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: Mike Labrecque, P.Eng., Director, Transportation & Public Works, 490-4855

BY-LAW NO. S-900
RESPECTING THE ESTABLISHMENT OF CONTROLLED ACCESS STREETS
FOR STREETS WITHIN THE HALIFAX REGIONAL MUNICIPALITY

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality, under the authority of section 309(4) of the Municipal Government Act, being chapter 18 of the Statutes of Nova Scotia, 1998 as amended, as follows:

Number and Short Title

1. This by-law shall be known as By-Law No. S-900, and may be cited as the “Controlled Access Streets By-Law”. This by-law shall apply to those areas of the Halifax Regional Municipality located in the Urban Core Service Area.

Purpose And Intent

2. The purpose of this by-law is to promote the safe and efficient ingress and egress to specific Halifax Regional Municipality streets in the interest of public safety, convenience and general welfare; to protect the public investment in streets by preventing premature functional obsolescence; to reduce accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists and Halifax Regional Municipality; and to enhance the street appearance by making street travel more pleasant. This by-law also provides for the review and approval of proposed new points of access onto streets designated as “controlled access”.

Definitions:

3. In this by-law:

(a) “municipality” means the Halifax Regional Municipality.

(b) “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 of a street.

(c) "private road" is a road that is not accepted by the municipality as a public right of way and includes a driveway.

(d) "controlled access street" means a street or a portion thereof listed in Schedule “A”.

(e) "Engineer" means the Director of Transportation and Public Works and includes a person acting under his/her authority.

(f) “core area” means that portion of the 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 municipality and the Minister of Transportation & Public Works which became effective on June 24, 1996, as may be amended from time to time.

(g) “existing parcel” means any parcel of land which legally exists on the date this by-law is approved by Halifax Regional Council.

Designated Streets

4. The streets, or portions thereof, within the core area and under the control of the municipality as listed in Schedule A are hereby designated as controlled access streets where no new access will be permitted except in exceptional circumstances and only in accordance with good street access management principles.

By-Law S-300

5. Where there is a conflict between By-Law S-300 Respecting Streets - Section V and this by-law, this by-law prevails.

Prohibited Activity on Schedule A Streets

6. (1) Where a street, or a portion thereof, or any land has been designated as a controlled access street, as listed in Schedule “A”, no new public roadway or driveway connections shall be permitted except as approved by the Engineer.

(2) On a street listed in Schedule A, no person shall, without a written permit from the Engineer:

(a) construct, use or allow the use of, any public road, private road, entrance-way or gate which or part of which is connected with or opens upon the controlled access street; or

(b) sell, or offer or expose for sale, any vegetables, fruit, meat, fish or other produce, or any goods, wares or merchandise upon or within forty-five meters of the limit of the controlled access street.

Exemption For Public Utilities

7. This by-law shall not apply to municipal vehicles or public utility vehicles while actively engaged in maintenance and repair work on municipal streets or utility appurtenances included therein, or to emergency vehicles.

Closure of Private Road or Gate

8. The Engineer or any person acting under his authority may at any time block access to a private road, entrance-way or a gate that has been constructed, opened or used in violation of this by-law and, for that purpose, may enter by himself, his servants and agents, if necessary, into and upon any land or part thereof to remedy.

9. The Engineer may seek to recover the costs associated with remedying a violation of this by-law from the person or corporation in violation.

Existing Points of Access

10. All existing points of access approved by The Municipality and/or Nova Scotia Transportation and Public Works as of the date of approval of this by-law may be continued after the implementation of this by-law. However, if the use of an established point of access is discontinued for a period of one year, the Engineer may revoke the access privilege or require alterations or changes to achieve compliance with this by-law.

11. In the interest of public health, safety and general welfare, the Engineer may revoke an access permit or may require modifications to remedy a problem situation.

Revocation of Permits

12. (1) The Engineer may cancel, revoke or suspend any permit where there is a violation of this by-law, any order made pursuant to this by-law and any condition of any permit issued under the authority of this by-law.

(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 Appeal 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 Appeal 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 Appeal Committee may determine.

Penalties

13. (1) Every person who contravenes any of the provisions of this by-law, or who fails to comply with the terms or conditions of any permit issued under the authority of this by-law is guilty of an offence and shall be liable, upon conviction, to a penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00).

(2) In the case of a violation of this by-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, Council may direct the Clerk to apply to a Judge of the Trial Division of the Supreme Court, by way of action or originating notice for an injunction ordering the person violating to cease the violation and the Judge may make any order that in the Judge's opinion the justice of the case requires.

Done and passed by Council this ___ th day of _____, 2007.

Mayor
Municipal Clerk

I, Jan Gibson, Municipal Clerk for the Municipality hereby certify that the above-noted By-law was passed at a meeting of the Council held on _____, ____.
Jan Gibson, Municipal Clerk

Schedule "A"

Private and Public Roadway Access Prohibited

<u>Street Name</u>	<u>Between</u>
Portland Street	Green Village Lane & Bruce Street
Forest Hills Drive	Main Street & Cole Harbour Road
Burnside Drive	Highway 111 and Akerley Boulevard
Cogswell Interchange	entire
Dunbrack Street	North West Arm Drive & Kearney Lake Road
Glendale Avenue	Cobequid Road & Duke Street
Glendale Drive	Beaver Bank Road & Cobequid Road
Hammonds Plains Road	Pockwock Road & Highway 103
Massachusetts Avenue	Robie Street & McKay Bridge Ramps
Mount Hope Avenue	Orion Court & south east end
Timberlea Village Parkway	St. Margarets Bay Road & Highway 103
Victoria Road (Dartmouth)	Highfield Park Drive & Windmill Road
Woodland Avenue	Highway 118 & Pinehill Road
Wright Avenue	Burnside Drive & Highway 118