



CITY OF EDMONTON

BYLAW 13521

CITY STREETS ACCESS BYLAW

(CONSOLIDATED ON NOVEMBER 24, 2009)

THE CITY OF EDMONTON
BYLAW 13521
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Whereas, pursuant to sections 7 and 8 of the *Municipal Government Act*, Council may pass bylaws dealing with the use and management of its property, prohibiting or regulating any development, providing for a system of permits or approvals for any development and terms and conditions that may be imposed, establishing fees for such permits and approvals, and enforcement provisions.

And whereas pursuant to section 26 of the *City Transportation Act*, Council may pass a bylaw governing the issuance and revocation of permits providing access between private property and controlled streets.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to give the City Manager authority to issue permits granting access between private property and controlled streets and prescribing the terms under which such permits may be revoked. |
| DEFINITIONS | 2 | In this bylaw, unless the context otherwise requires: <ul style="list-style-type: none"> (a) “Access” means any means of travelling in an automobile to and from a titled parcel and a Controlled Street; (b) “Controlled Street” means, for the purposes of this Bylaw only, a registered road right of way that is actually used as a public road; |

- (c) **“Owner”** means the registered owner of any property served by an Access;
- (d) **“Permit”** means a permit issued under this Bylaw to grant an Access;

RULES FOR INTEPRETATION

- 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - UNAUTHORIZED ACCESS PROHIBITED

PERMIT REQUIRED

- 4 No Owner shall construct, maintain, use or allow to be used an Access except in accordance with the terms and conditions of a Permit.
- 5 If an Owner maintains an Access on the Effective Date of this Bylaw and the Access is not the subject of a written Permit and the Access does not predate the establishment of the City’s transportation system (as that term is used in the *City Transportation Act*), a Permit is hereby deemed to be issued on the Effective Date on terms identical to those listed in section 11.

PART III - PERMITS

- 6 An Owner who wishes to be issued a Permit must submit a written request to the City Manager or his designate containing the following information:
 - (a) The name and address of the Owner;
 - (b) If the Owner is a corporation or is applying for a Permit through an agent, the name and address of the representative or agent of the Owner;
 - (c) Plans, designs and specifications showing the precise location of the proposed Access and the nature of any proposed alterations to the City’s roadway improvements or other City property;

- (d) A certificate of title for the Owner's land;
 - (e) If requested to do so by the City Manager, a transportation impact assessment prepared by a qualified professional engineer describing the effect the proposed Access will have on the safe and efficient movement of traffic on City Streets; and
 - (f) Fees as prescribed in Schedule "A".
- CRITERIA** 7 The City Manager shall consider the application having regard to the safe and efficient movement of traffic.
- REASONS** 8 (1) The City Manager shall notify the Owner or its agent or representative as to whether the application has been granted or refused.
- (2) If the City Manager refuses an application, he shall provide written reasons.
- (3) If the refusal is because of the location of the Access, the City Manager shall offer the applicant at least one other Access location that would be acceptable to the City Manager.
- ACCESS MUST BE PROVIDED** 9 The City Manager must ensure that each titled parcel has at least one means of Access however indirect or circuitous.
- SHARED ACCESS** 10 If an easement exists between two or more property owners that would accommodate a shared Access through one owner's property to the property of another owners, the City Manager may fulfil the requirements of section 9 and section 12(c) by issuing a permit for a shared Access permit. Nothing in this section obligates the City to obtain, enforce or be a party to such an easement that would accommodate a shared Access and in granting a permit for a shared Access the City makes no representation as to the suitability or legality of the easement for the applicant's purposes.
- PERMITS RUN WITH THE LAND** 11 All Permits are deemed to run with the land and shall be deemed to be assigned to and binding upon any subsequent Owners of the land to which they grant Access.
- CONDITIONS ATTACHED TO A PERMIT** 12 If the City Manager grants a Permit, he shall do so on the following express conditions:
- (a) The City Manager may terminate the Permit on 30 days' notice without the City being required to pass a bylaw under the *Municipal Government Act* or the *City Transportation Act*;

- (b) If the City Manager terminates a Permit providing the only means of Access to a titled parcel, the City Manager will provide an alternate means of Access to the parcel;
- (c) If an Alternate means of Access (however indirect or circuitous) exists or is provided, the Owner is not entitled to compensation for cancellation of the Permit or relocation of his Access under any statute or at common law; and
- (d) Any further terms and conditions that the City Manager considers necessary in order to promote the safe and efficient movement of traffic on City streets.

PART IV - ENFORCEMENT AND PENALTIES

REMEDIES

- 13 In addition to any other remedies at law, the City Manager may enforce the provisions of this Bylaw under sections 542, 543, 545 and 549 of the *Municipal Government Act*, or by obtaining an injunction from the Court of Queen's Bench pursuant to section 554 of the *Municipal Government Act*.

OFFENCES AND PENALTIES

- 14 (1) A person who contravenes a provision of this Bylaw is guilty of an offence.
- (2) A person who is found guilty of an offence is liable to a fine in an amount not less than that established by this Bylaw and Schedule "B" and not exceeding \$10,000.00 and to imprisonment for not more than 1 year for non payment of that fine.
- (3) A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
 - (b) if the violation ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine.
- (4) In the case of an offence that is of a continuing nature, each day on which the offence continues shall constitute a separate offence.

PART V - GENERAL

- SEVERABILITY** 15 (1) If any portion of this Bylaw is for any reason declared invalid in whole or in part by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion.
- (2) Declaration of invalidity will not affect the validity of the remaining portions which will remain in full force and effect.
- INSPECTIONS AND DELEGATIONS** 16 (1) The City Manager may carry out whatever inspections are reasonably required to determine compliance with this Bylaw.
- (2) The City Manager may delegate any of his powers, duties or functions under this Bylaw to an employee of the municipality, who may delegate and authorize further delegations to any other City employee upon the approval of the City Manager.
- EFFECTIVE DATE** 17 This Bylaw takes effect upon passing.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and Bylaw No. 12005, and printed under the City Manager's authority.)

Bylaw 13521, passed by Council July 13, 2004:

Amendments:

- Bylaw 14169, December 14, 2005
- Bylaw 14427, December 6, 2006
- Bylaw 14833, December 14, 2007
- Bylaw 15040, December 10, 2008
- Bylaw 15331, November 24, 2009

SCHEDULE A – SCHEDULE OF FEES

Effective January 1, 2010

1. The Application Fee for an Access Permit for a residential property is.....\$50.00.
2. The Application Fee for an Access Permit for a non-residential property is\$750.00
 - a) Residential property is defined as three or less self-contained dwelling units located on one site that is used for residential purposes.
 - b) Non-Residential property is defined as, but not limited to, a multi-family unit, commercial or industrial property.

(S.2, Bylaw 15331, November 24, 2009)

SCHEDULE B – SCHEDULE OF FINES

OFFENCE	Section	Fine
Maintaining an Access without a permit or contrary to the terms of a permit.	4	\$500.00