

## **Section 1.9. Temporary Occupancy of a Street for Construction Purposes**

### **1.9.1. General Requirements**

#### **1.9.1.1. Permit Required Prior to Occupancy of Street**

1) No person shall occupy a *street* or the air space above a *street* in connection with, or incidental to the *construction* or maintenance of any *building*, without first obtaining a street use permit from the *City Engineer*.

#### **1.9.1.2. Permit Required Prior to Excavation in Street**

1) No person shall excavate or backfill any part of a *street* without first obtaining a street use permit from the *City Engineer*.

#### **1.9.1.3. Liability Disclaimer**

1) An application for a street use permit shall contain an undertaking by the *owner* to save harmless the *City* against all claims, liabilities, judgments, costs and expenses in consequence of, or in any way incidental to the granting of such *permit*, in a form satisfactory to the Director of Legal Services.

### **1.9.2. Overhead Construction**

#### **1.9.2.1. Permit Required for Overhead Construction**

1) No person shall cause a swing scaffold or *construction* hoisting device to occupy the air space above a *street* without first obtaining a street use permit from the *City Engineer*.

#### **1.9.2.2. Prevention of Public Entry**

1) The *street* under a swing scaffold or *construction* hoisting device shall be fenced, roped off or otherwise protected against public entry to the satisfaction of the *City Engineer*.

### **1.9.3. Public Safety**

#### **1.9.3.1. Construction Site Protection of the Public Required**

1) No person shall construct, alter or repair any *building* unless fencing, boarding, barricades or covered walkways as required by Part 8 of Division B of Book I (General) of this By-law have first been erected on or adjacent to the *street*, to the satisfaction of the *Chief Building Official*.

2) The *Chief Building Official* may modify the requirements of Sentence (1) if satisfied that the location of the *construction* is sufficiently protected or remote from areas frequented by the public.

#### **1.9.3.2. Permit Required for Fencing, Boarding, Barricades or Covered Walkways**

1) No person shall erect fencing, boarding, barricades or covered walkways on a *street*, without first obtaining a street use permit from the *City Engineer*.