

Section 1.8. Street Regulations

1.8.1. Encroachments

1.8.1.1. Encroachment Defined

1) In this Section an encroachment means a *building*, or a *building* appurtenance or fixture, including an existing areaway, a new or existing ornamental projection, awning, canopy, mechanical apparatus, or emergency *exit* apparatus, projecting in a *street*, whether above, at or below ground level.

1.8.1.2. Measurement of Encroachment

1) An encroachment shall be measured at right angles from a theoretical vertical plane located at the property line, to the outermost point of the encroachment in the *street*.

1.8.1.3. No Encroachment without Permission

1) No encroachment shall project into a *street*, unless permission has first been granted by the *City*.

1.8.1.4. Maintenance and Repair of Encroachment

1) Encroachments shall be repaired and maintained to the satisfaction of the *City Engineer* and the *Chief Building Official*.

1.8.1.5. Prohibited Encroachments

- 1) An encroachment shall not obstruct or interfere with
- a) public utility poles or equipment,
 - b) firefighting equipment or fire rescue operations,
 - c) *street* trees or lamp standards, or
 - d) *street* furniture.

1.8.1.6. Compliance with Encroachment By-law

1) The *Chief Building Official* shall not issue a *permit* to construct an encroachment unless the encroachment complies with this By-law and with the Encroachment By-law.

1.8.2. Existing Encroachments

1.8.2.1. Existing Encroachments

1) An existing encroachment which complies with the Encroachment By-law and does not conform with this By-law may be continued if the encroachment is not altered.

1.8.2.2. Damage to Existing Encroachment

- 1) Subject to the provisions in Sentence (2), an existing encroachment which is damaged may be repaired.
- 2) Despite the provisions of Sentence (1) if the cost of the repair to an existing encroachment is more than 50 per cent of the current replacement cost of the damaged encroachment, the repair shall constitute a new encroachment and shall comply with the provisions of this By-law and the Encroachment By-law.

1.8.2.3. Alteration to Existing Encroachment

1) Except for signs permitted by the Sign By-law, any enlargement or *alteration* of an existing encroachment shall constitute a new encroachment and shall comply with the provisions of this By-law and the Encroachment By-law.

1.8.2.4. Signs

(Refer to Book I (General) of this Bylaw.)

1.8.2.5. Door Swings

(Refer to Book I (General) of this Bylaw.)

1.8.3. New Encroachments**1.8.3.1. Application**

- 1) This Section applies to
 - a) new encroachments, and
 - b) *alterations* to existing encroachments which do not comply with the provisions of Subsection 1.8.2.

1.8.3.2. Dimensions and Clearances

1) Unless otherwise provided in this By-law, all new encroachments shall comply with the applicable *construction*, clearance and dimension requirements in Subsections 1.8.5. to 1.8.10.

1.8.3.3. Design and Construction of New Encroachments

1) A new encroachment shall be designed and constructed so that, in the event of its removal from the *building*, the *building* will comply with the provisions of this By-law.

1.8.3.4. Compliance with By-laws

- 1) A new encroachment shall comply with the provisions of this By-law and the Encroachment By-law.

1.8.3.5. Encroachments in Narrow Streets

1) Unless otherwise permitted by this Section, new encroachments or encroachments which do not comply with the provisions of Subsection 1.8.2. are not permitted in a street which is 10 m or less in width.

1.8.4. Repair or Removal of Encroachment**1.8.4.1. Removal or Repair by Owner**

- 1) The *owner* of a *building* which encroaches in a street shall repair, alter or remove the encroachment if so ordered
 - a) by the *Chief Building Official*, in accordance with this By-law, or
 - b) by the *City Engineer*, in accordance with the Encroachment By-law.

1.8.4.2. Repair of Building after Removal of Encroachment

- 1) Upon removal of an encroachment from a *building*, the *owner* shall promptly repair the *building* and shall ensure that the *building* complies with this By-law.

1.8.4.3. Repair of Building at Owner's Expense

- 1) If the *Chief Building Official* has issued an order in accordance with Article 1.8.4.1. and an *owner* has failed to comply with that order, the *Chief Building Official* may
 - a) authorize *demolition* or removal of an encroachment, posting of security guards or fire wardens, or enclosure of such encroachment, *building*, *construction*, excavation or part thereof, at the expense of the *owner*,
 - b) recover such expense in the manner set out in this By-law, and
 - c) take such other measures as may be necessary to protect the public.

1.8.5. Areaways

(Refer to Book I (General) of this Bylaw.)

1.8.6. Ornamental Projections and Existing Windows

(Refer to Book I (General) of this Bylaw.)

1.8.7. Awnings

(Refer to Book I (General) of this Bylaw.)

1.8.8. Canopies

(Refer to Book I (General) of this Bylaw.)

1.8.9. Solar Shading Device

(Refer to Book I (General) of this Bylaw.)

1.8.10. Mechanical Apparatus**1.8.10.1. Clearances**

1) Exterior hose connections for fire-fighting equipment, ventilation intakes and outlets, *chimneys* and air conditioning units shall not encroach in a street unless permitted by the *City Engineer*.

2) Fire alarm bells and fire gongs may encroach up to 300 mm in a *street*, except that such encroachments shall be located no less than 2.6 m above the *street* surface or established *building* grade.

1.8.11. Emergency Exits

(Refer to Book I (General) of this Bylaw.)