

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*.