

ITEM 15

MANAGER'S REPORT NO. 29

COUNCIL MEETING Apr. 21/75

Re: Barricades - 4840 Empire Drive  
(Delegation, Item (b), Council Agenda March 17, 1975)

Council, at its meeting of February 24, 1975 adopted the following recommendations of the Traffic Safety Committee regarding the traffic barrier at Oxford Street and Delta Avenue:

- "(a) (That) the barricade at the upper end of Oxford Street be removed and that;
- (b) the placing of any form of barricade on the boulevard in front of the complainants property be denied on the grounds that it is not the responsibility of the Municipality to anticipate where along its many miles of streets, the next vehicle will leave the road because of negligence or a traffic accident."

On March 5, 1975, the Municipal Clerk received an undated letter from Mrs. J. Kolbus, 4840 Empire Drive, written in opposition to Council's decision to remove the barricade at Oxford Street and Delta Avenue. Mrs. Kolbus appeared as a delegation at the March 17, 1975 meeting of Council in support of her protest. Council passed the following motion at its meeting of March 24, 1975:

"That the Municipal Engineer be directed to investigate the feasibility of installing a barrier in front of Mrs. Kolbus' residence and those of her immediately abutting neighbours consisting of large boulders set in concrete, infilled with soil and additional boulders to form a rockery as well as a barricade, a barrier constructed of pilings, or a barrier in accordance with the plans submitted by Mrs. Kolbus; and further that the Municipal Solicitor advise as to whether the Municipality can carry out this proposed work on private property and if so the possible liability responsibilities."

The Municipal Solicitor advises that he can find no authority in the Municipal Act for the Corporation to enter on private property to do the type of work suggested by Mrs. Kolbus and certainly no authority for us to give financial assistance to allow the Kolbus' to do the work themselves. If the Municipality wants to accept responsibility for the situation then the barricade should be erected on Municipal property.

As the matter now stands, the Municipality is under no liability to the property-owner. However, by erecting a barricade we may be presumed to have admitted a dangerous situation exists. Further, if the barricades made the situation worse, i.e. the possibility of a large truck uprooting the barricades and both hitting the house, we certainly would be liable.

In summary, there is no legal justification to do this work on private property and doing so only increases our liability possibilities.

Attached is the Municipal Engineer's report regarding barricades at 4840 Empire Drive, to which is attached a plan and cost estimate prepared by Mrs. Kolbus. Because of the size of Mrs. Kolbus' plan, copies are being provided to Council only. Copies can, however, be provided on request to others interested in the plan.

Regarding Mrs. Kolbus' plan, the Planning Director advises that such a barricade, if constructed on private property (not on the public road allowance), would constitute, in effect, a fence, and would be governed by the regulations of Section 6.14 of the Zoning Bylaw. As such, a maximum height of 3'6", determined by measurement from the ground level at the average grade level, within 3 feet of both sides of the fence, would apply for a fence within the front yard.

An obvious concern exists with respect to visual appearance. If such a barricade is to be considered a "fence", it should be treated in an acceptable way with suitable cladding materials or by incorporating hedge planting.

RECOMMENDATIONS:

1. THAT the Municipality not set any precedents by becoming involved in providing any form of barricade or structure to protect an individual from the negligence of others; and
2. THAT the Municipality not prohibit Mrs. Kolbus from erecting her own form of barricade at her front property line; and
3. THAT Mrs. J. Kolbus be sent a copy of this report.

ITEM 15  
MANAGER'S REPORT NO. 29  
COUNCIL MEETING Apr. 21/75

TO: MUNICIPAL MANAGER

MARCH 27, 1975

FROM: MUNICIPAL ENGINEER

RE: BARRICADES - 4840 EMPIRE DRIVE

Reference the Municipal Clerk's memo of March 20, 1975.

At the Council meeting held on March 17, 1975 two suggested means of providing a protective barrier were put forth for comment. One scheme involved the use of large boulders placed in concrete then infilled with soil and other boulders. The other scheme involves the use of pilings.

1. Boulders and Earth Infilling

In considering this suggested method, we feel that there are a number of ways to accomplish the desired effect.

- (a) The use of large rectangular boulders in which half of the boulder volume is buried in concrete and the remainder, which should have a near perpendicular face and a height of at least 30", be above the level of the property.
- (b) Large boulders could be implanted into a concrete footing and then infilled with earth to provide an earthen berm. This would then have the effect of a partial energy absorbing barrier. To prevent a high velocity vehicle from mounting the berm and becoming airborne the berm would need to be fairly high with steep sides in the order of 1:1 slope.

2. Piles Driven into the Ground

From past experience in digging in the Capitol Hill area, we would advise that we have found the ground immediately below the topsoil (about 18 inches) to be composed of a hardpan conglomerate. If this condition was encountered in front of 4840 Empire Drive it would be most difficult to drive any piling and any such attempt would probably cause structural damage to adjacent homes.

To validate the above, we would have to acquire the services of a soils consultant. Because of the costs involved we have not done so.

In addition to the two examples suggested, we would advise that the complainant, Mrs. J. Kolbus has submitted a plan of a barricade that utilizes concrete footings and old railway track. In addition to the plan, she has also given an estimate of the cost of her project.

Having gone over the sketch and the attached cost estimate, we would advise that we could not hope to do the job for anywhere near the sum of \$2,978. and would suggest that the Kolbus' undertake the project themselves.

RECOMMENDATIONS:

1. THAT the Municipality not set any precedents by becoming involved in providing any form of barricade or structure to protect an individual from the negligence of others; and,
2. THAT the Municipality not prohibit the Kolbus' from erecting their own form of barricade at their front property line; and,
3. THAT the Kolbus' be sent a copy of this report.

HB:wlh  
Att.

  
MUNICIPAL ENGINEER