



THE CITY OF TRAIL

SUBDIVISION REGULATION BYLAW NO. 1988, 1984

Comprising a consolidation of the Subdivision Regulation Bylaw No. 1988, 1984 and the following amendments thereto:

	<u>Effective Date</u>
Bylaw No. 2030	May 12, 1986
Bylaw No. 2148	April 25, 1990
Bylaw No. 2254	March 14, 1994
Bylaw No. 2297	July 24, 1995
Bylaw No. 2300	September 11, 1995
Bylaw No. 2363	April 7, 1997
Bylaw No. 2370	July 14, 1997
Bylaw No. 2386	March 9, 1998
Bylaw No. 2390	March 23, 1998
Bylaw No. 2462	June 26, 2000
Bylaw No. 2504	March 25, 2002
Bylaw No. 2541	May 26, 2003

Certified a true copy
of Bylaw No. 1988
as amended.

Clerk

THE CITY OF TRAIL

BYLAW NO. 1988

A BYLAW TO REGULATE THE SUBDIVISION OF LAND WITHIN THE CITY OF TRAIL

WHEREAS Council deems it expedient to regulate the subdivision of land within the Municipality;

NOW THEREFORE, the Council of the City of Trail, duly assembled, ENACTS AS FOLLOWS:

Citation

1. This bylaw may be cited for all purposes as “**The City of Trail Subdivision Regulation Bylaw No. 1988, 1984**”.

Interpretation

2. In this bylaw, unless the context otherwise requires, the following words and expressions are defined:

“**Approving Officer**” means the person appointed from time to time by the Council as Approving Officer under the Land Titles Act.

“**City**” and “**Municipality**” both mean the City of Trail or the area within the municipal boundaries thereof as the context may require.

“**Contractor**” means a person or persons who contracts with the Owner of a project for the work thereon and includes an Owner who contracts with one or more persons for the work on a project or undertakes the work on a project or any part thereof.

“**Lane**” means a public way not less than 6 m. (19.7 feet) nor more than 10 m. (32.8 feet) wide.

“**Manager**” means the person appointed from time to time by the Council as City Manager.

“**Major Street**” means a street which, in addition to serving local needs, is, or is designated to form part of the major or arterial street system of the Municipality wherein a significant proportion of the traffic or travel along the same has both its origin and destination outside of the subdivision area.

“**Minor Street**” means a street other than a “Major Street” and which is used primarily for travel and access to and from the parcels contiguous thereto created in the subdivision.

“**Owner**” means any person registered in the books of any Land Titles Office as owner of the land or of any charge on the land being subdivided, whether entitled thereto in his, her, its, or their own right or in a representative capacity or otherwise.

“**Parcel**” means any lot, block or other area in which land is held or into which land is subdivided.

“**Public Works Manager**” means the person appointed from time to time by Council as the Public Works Manager.

“**Street**” means and includes all highways, roads, avenues, squares, thoroughfares, and any other public ways, but not walkways, trails, lanes or bridges.

“**Subdivision**” means the division of land into two (2) or more parcels, by plan.

“**Treasurer**” means the person appointed from time to time by the Council as Treasurer.

“**Walkway**” means a public way not less than 3 m. (9.8 feet) nor more than 6 m. (19.7 feet) wide.

“**Zoning Bylaw**” means the Zoning Bylaw of the Municipality in effect from time to time.

3. Unless otherwise defined herein, any word or expression in this bylaw shall have the same meaning as any similar word or expression contained in the Land Titles Act.

Authority

4. No land shall be subdivided within the City unless a plan of the subdivision has been submitted to and received the approval of the Approving Officer.

Approvals

5. (1) The Approving Officer shall not approve the subdivision of any parcel of land unless all the relevant requirements of this bylaw and any other bylaw of the City have been complied with.
- (2) Every applicant for approval of the subdivision hereunder shall pay an examination fee as noted in Section 6 and 7 hereof with the application of such other fee as may from time to time be prescribed by the Land Titles Act or the Municipal Act.
- (3) Sections 6 and 7 of this bylaw apply to applications for approval of bare land strata plans under the Condominium Act.

Preliminary Approval

6. (1) The applicant may make an application for preliminary approval of the proposed subdivision prior to a Land Surveyor marking the subdivision on the ground. This application shall be accompanied by a sketch plan drawn to a scale of not less than 1ö=100ø (1:1250) showing the proposed subdivision with the estimated dimensions of the several parcels, and of each street and walkway which the owner proposes to create, and also showing the complete contour of the land, and an examination fee as prescribed below:

- Bylaw #2390**
- (a) \$100.00 when the subdivision creates not more than three (3) parcels;
 - (b) \$500.00 when the subdivision creates more than three (3) parcels but not more than ten (10) parcels;
 - (c) \$1,000.00 when the subdivision creates more than ten (10) parcels;
 - (d) \$500.00 for a phased strata development;
 - (e) sections (a), (b), and (c) apply to applications for bare land strata subdivisions.
- (2) The Approving Officer shall examine the preliminary application and shall advise the applicant in writing that the subdivision proposal could be approved or that it could not be approved.
 - (3) Preliminary approval of any proposed subdivision shall not be construed as final approval of such subdivision for the land registration purposes.
 - (4) The City shall not be responsible or liable in any way whatsoever to any person, for any loss occasioned or expenses incurred as a result of any person acting upon or pursuant to the preliminary approval given by the Approving Officer.
 - (5) Preliminary approval shall be effective for a period of three (3) months unless upon application of the Owner the Approving Officer grants an extension.
 - (6) As a condition of reviewing an application for preliminary approval of a proposed subdivision of land, if prior to an application for final approval being submitted to the

Approving Officer, the City adopts a bylaw under Part 29 of the Municipal Act that is applicable to the subdivision, the bylaw shall have full force and effect to that subdivision.

Final Approval

7. (1) The final subdivision shall conform substantially to the approved preliminary plans but the application for final approval need not necessarily cover the whole project in one (1) application. If the subdivision project is submitted in sections, a separate application may be made covering each section, and such applications may be made at different times within the period prescribed in Section 6 (5) hereof.

Bylaw #2390 All applications for final subdivision approval shall be accompanied by an examination fee of Thirty Dollars (\$30.00) per lot to be created by the subdivision.

- (2) Every application for subdivision approval shall be made in writing addressed to the Approving Officer and shall be accompanied by the subdivision plans tendered for approval, giving the correct legal description of the parcel being subdivided.
- (3) The application for subdivision approval may be made by the owner or his duly authorized agent. The Approving Officer, before dealing with an application for subdivision approval, made by a person other than the Owner, may require such other person to produce satisfactory evidence that he is duly authorized by the Owner to make such application.
- (4) Every applicant for approval of a subdivision hereunder shall furnish a certificate declaring that all taxes which have been levied on the land to be subdivided have been paid.
- (5) The plan or plans, including easement plans and agreements required for registration purposes tendered with the application for approval shall be accompanied by an original mylar, 2 duplicate transparencies and four (4) blue or white paper copies thereof, all of which shall be retained by the Municipality and shall be subject to revision within three (3) months approximately of construction approval.
- (6) If the subdivision is rejected the applicant for approval shall be so advised in writing by the Approving Officer, and the reasons for rejecting the subdivision shall be given. If subdivision plans were tendered with the application they shall be returned to the applicant unsigned, less the four (4) paper copies as requested in Section 7 (5) above.
- (7) All taxes, water and sewer charges, and all other fees or charges owed to the City in connection with the property being proposed for subdivision, must be paid in full prior to final subdivision approval.

Powers of Approving Officer

8. (1) The Approving Officer may serve notice in writing of the proposed subdivision on any owner or other person whose land or interest therein, in his opinion, might be detrimentally affected by it, and may make such further enquiry into the effect of the proposed subdivision upon adjoining or neighbouring lands as will establish to his satisfaction the desirability or otherwise of the proposed subdivision.
- (2) In considering an application for subdivision approval, the Approving Officer shall refuse to approve the subdivision if the location and bulk of any existing building or structure in relation to any new parcels created interferes with the subdivision, or if for any other reasons, the proposed subdivision would not comply with the relevant provisions of the Building or Zoning Bylaws of the City or of this or any other bylaw or bylaws of the City.
- (3) Where in the opinion of the Approving Officer unusual soil or drainage conditions exist on part or all of the subdivision area he may require the applicant to furnish information or to aid in the gathering of such information as will allow the determination of the

areas, shapes and orientations of parcels which will be adequate in view of the nature of the ground and the anticipated use of the land.

- (4) Where a portion of a parcel is to be added to an existing adjoining parcel, and the balance of such first mentioned parcel is thereby so reduced in size as to be less than permissible under the Regulations and bylaws, such balance must be added to another adjoining parcel.

Subdivision Design

9. (1) Every parcel in a subdivision must meet the following minimum lot area requirements pursuant to the zoning applied to the parcel under the Zoning Bylaw:

<u>For Parcels Zoned:</u>	<u>Minimum Lot Area</u>
Single Family Residential Zone R1	5,996 sq. ft. (557 m ²) with the exception of: <ul style="list-style-type: none">• Lots in Hazardous Development Permit Area #6 shall have a minimum lot area of 10,000 sq. ft. (929 m²);• Lots that cannot be serviced by the City sanitary sewer system shall have a minimum lot area of 21,528.5 sq. ft. (2000 m²).
Single and Two Family Residential Zone R2	5,996 sq. ft. (557 m ²)
Hillside Single Family Residential Zone R3	2,497 sq. ft. (232 m ²)
Three and Four Family Residential Zone R4	For 3 and 4 family dwelling units the minimum lot area shall be 2,497 sq. ft. (232 m ²) per unit.
Small Multiple Family Residential Zone R5	2,497 sq. ft. (232 m ²)
Low Density Multiple Family Residential Zone R6	For row houses and townhouses the minimum lot area shall be 12,917 sq. ft. (1200 m ²), except in the case of individual land ownership where the minimum lot area shall be 2,562 sq. ft. (238 m ²).
Medium Density Multiple Family Residential Zone R7	10,764 sq. ft. (1000 m ²)
High Density Multiple Family Residential Zone R8	21,578 sq. ft. (2000 m ²)
Mobile Home Residential Zone R9	3,767 sq. ft. (350 m ²), except that the minimum lot area for a double wide mobile home shall be 4,995 sq. ft. (464 m ²).
General Commercial Zone C1	2,497 sq. ft. (232 m ²)
Major Neighbourhood Commercial Zone C2	2,497 sq. ft. (232 m ²)
<u>For Parcels Zoned:</u>	<u>Minimum Lot Area</u>
Neighbourhood Commercial Zone C3	4,995 sq. ft. (464 m ²)
Shopping Center Commercial Zone C4	4.9 acres (2 ha)

Highway Commercial Zone C5	4,995 sq. ft. (464 m ²)
Special Highway Commercial Zone C6	2,497 sq. ft. (232 m ²)
Service Commercial Zone C7	10,000 sq. ft. (929 m ²)
Tourist Commercial Zone C8	1.24 acres (.5 ha)
Business Commercial Zone C9	4,995 sq. ft. (464 m ²)
Business Enterprise Zone C10	21,528 sq. ft. (2000 m ²)
Light Industrial Zone M1	21,528 sq. ft. (2000 m ²)
Heavy Industrial Zone M2	43,057 sq. ft. (4000 m ²)
Institutional Zone P1	4,995 sq. ft. (464 m ²)
Rural Holding Zone A1	For single family dwelling or mobile home the minimum lot area shall be 2.47 acres (1 ha.)
Rural Holding Zone A2	19.76 acres (8 ha.)

- (2) Every parcel in a subdivision must meet the following lot frontage requirements pursuant to the zoning applied to the parcel under the Zoning Bylaw:

<u>For Parcels Zoned:</u>	<u>Minimum Lot Frontage</u>
Single Family Residential Zone R1	59 feet (18 m.), except where in the bulb of a cul-de-sac the minimum frontage shall be 32.8 feet (10 m.)
Single and Two Family Residential Zone R2	59 feet (18 m.), except where in the bulb of a cul-de-sac the minimum frontage shall be 32.8 feet (10 m.)
Hillside Single Family Residential Zone R3	24.9 feet (7.6 m.)
Three and Four Family Residential Zone R4	49.2 feet (15 m.)
Small Multiple Family Residential Zone R5	24.9 feet (7.6 m.)
Low Density Multiple Family Residential Zone R6	49.2 feet (15 m.), except in the case of individual ownership, the minimum lot frontage for each dwelling unit shall be 24.9 feet (7.6 m.)
Medium Density Multiple Family Residential Zone R7	49.2 feet (15 m.)
High Density Multiple Family Residential Zone R8	49.2 feet (15 m.)

<u>For Parcels Zoned:</u>	<u>Minimum Lot Frontage</u>
Mobile Home Residential Zone R9	39.4 feet (12 m.), except for double wide mobile homes the minimum lot frontage shall be 49.2 feet (15 m.)
General Commercial Zone C1	24.9 feet (7.6 m.)

Major Neighbourhood Commercial Zone C2	24.9 feet (7.6 m.)
Neighbourhood Commercial Zone C3	39.2 feet (15 m.)
Shopping Center Commercial Zone C4	328 feet (100 m.)
Highway Commercial Zone C5	49.2 feet (15 m.)
Special Highway Commercial Zone C6	24.9 feet (7.6 m.)
Service Commercial Zone C7	98.4 feet (30 m.)
Tourist Commercial Zone C8	65.5 feet (20 m.)
Business Commercial Zone C9	49.2 feet (15 m.)
Business Enterprise Zone C10	65.6 feet (20 m.)
Light Industrial Zone M1	65.6 feet (20 m.)
Heavy Industrial Zone M2	131 feet (40 m.)
Institutional Zone P1	49.2 feet (15 m.)
Rural Holding Zone A1	65.6 feet (20 m.)
Rural Holding Zone A2	65.6 feet (20 m.)

- (3) Every parcel in a subdivision shall abut on a street.
- (4) Where possible the side lines of parcels shall be at right angles to or radial to the line of the abutting street.
- (5) Lots which have a frontage on more than one (1) street, lots triangular or irregular in shape and lots less than ninety (90) feet or more than one hundred and fifty (150) feet in depth, shall be avoided, if other suitable alternatives, in the opinion of the Approving Officer, can be provided.
- (6) If in the opinion of the Approving Officer the application for subdivision approval indicates that there is reason to anticipate a further subdivision of the relevant lands, the person tendering the subdivision for approval, at the request of the Approving Officer, shall furnish a sketch plan showing the ultimate method of subdivision and showing how the present intermediate step fits into such ultimate subdivision.

Street System

10. (1) In examining the preliminary or final proposed plan of subdivision the Approving Officer shall consider in the public interest the sufficiency and suitability of the proposed street system and shall determine the adequacy thereof in relation to anticipated traffic, not only within the area being subdivided but with due regard to the street system already established in adjoining areas and to the general street pattern of the foregoing, the principles and standards to be observed are as follows:
 - (a) Major streets are to be continued through the area being subdivided without jogs, with a width as set out in Schedule 5 attached to and forming part of this bylaw. The width may be reduced with the approval of the Approving Officer to suit special site conditions for the particular major street involved.
 - (b) Minor streets shall be provided to a width as set out in Schedule 5 attached to and forming part of this bylaw. The width may be reduced with the approval of the Approving Officer to suit the requirements of the area being subdivided.

- (c) Jogs in street alignment shall be avoided, unless the distance between centre lines at the jog is 200 feet (60.9 m.) or more.
- (d) Where bends occur in street alignment the Approving Officer may require that the angle shall be replaced by a curve of suitable radius and shall be designated on the construction drawings.
- (e) Reversed curves in street alignment shall be separated by tangents if the Approving Officer so directs.
- (f) The gradient of major streets shall not exceed eight (8) percent and the gradient of minor streets shall not exceed ten (10) percent except as intersections grades shall be constructed to the satisfaction of the Approving Officer.
- (g) As far as possible intersecting streets shall meet at right angles. No streets shall intersect at an angle of less than seventy (70) degrees unless corner cut-offs are provided.
- (h) Cul-de-sac streets shall have an ample turn-around area at their closed end, with proper facilities for street drainage. The length of any such cul-de-sac street shall not exceed 600 feet (182.9 m.) to the end of the turn-around.

Lane System

- 11. A lane system shall ordinarily be provided through each block in order that, as far as possible, secondary access shall be afforded to every parcel. Where, however, the parcels in a block designed for residential use are 10,000 square feet (929 m²) or more in size and driveway accommodation can conveniently be provided for each parcel leading into an abutting minor street, and in other cases where lanes are not necessary or advisable, the Approving Officer, may, in his discretion, dispense with the requirement of any lane system in such block, but in each case, the Approving Officer may require a 10 foot (3 m.) minimum width walkway.
- 12. At right angle bends in a lane, triangular corner cut-offs measuring not less than 10 feet (3 m.) each way from the corner, may be required by the Approving Officer.
- 13. Acute angled intersections of lanes with streets shall in general be avoided but due consideration shall be given to the continuity of lanes from block to block, in order to facilitate pole-lines and other utility construction.
- 14. All structures and obstructions of any kind encroaching upon the free and uninterrupted use by the public of the full width and extent of all new streets, walkways and lanes shall be removed therefrom before approval of any subdivision plan is granted, unless by prior arrangements with the Municipality such are allowed to remain for a limited period of time, not exceeding three (3) months.

Conditions of Approval

- 15. As a condition of approval by the Approving Officer, to the subdivision of a tract of land, the Owner of the said land shall:
 - (a) subject to the Municipal Act provide, without compensation, land for all highways and easements required by the subdivision.
 - (b) provide, without compensation, preliminary drawings, construction drawings, and a site plan drawing in accordance with the standards set out in Schedule 1 attached to and forming part of this bylaw.
 - (c) remove all structures encroaching upon and obstructions located on any street, land, easement, or walkway created by the subdivision. The Approving Officer may require grading and shaping of some or all lots within the proposed subdivision.
 - (d) make provision for the servicing of each lot created by the subdivision with sewer, water, roads, drainage, underground wiring, curbing, sidewalks and ornamental street

lighting in accordance with the terms and conditions stipulated in the specifications and standards set out in Schedule 5 attached to and forming part of this bylaw.

- (e) pay to the City, at such rates as may from time to time be established by Council for the provision of sewer and water systems, or for the use of existing sanitary sewer mains, storm sewer mains, water mains, or other utilities and services.
16. All works and services required to be constructed and installed at the expense of the owner of the land proposed to be subdivided pursuant to the provisions of this bylaw shall be constructed and installed to the standards prescribed by the Approving Officer prior to the approval of the subdivision by the Approving Officer, unless:
- (a) the owner of the land deposits with the Municipality a bond in a form satisfactory to the City Treasurer and for the amount satisfactory to the Approving Officer having regard to the cost of installing and paying for all works and services required; and
 - (b) the owner of the land enters into an agreement with the Municipality to construct and install the prescribed works and services by a specified date or forfeit the amount secured by the bond to the Municipality.

Inspection

17. (1) All design, construction supervision and inspection of public utilities and municipal works shall be undertaken by a member of the Association of Professional Engineers and Geoscientists of British Columbia.
- (2) The Owner of the land shall have all such work undertaken by a Professional Engineer with expertise in municipal engineering.
- (3) The Professional Engineer shall provide to the Approving Officer a letter of assurance that he/she is responsible for the design of the subdivision and has been retained by the Owner to provide sufficient resident supervision of the construction to enable he/she to certify that the works have been constructed in accordance with the Subdivision Regulation Bylaw standards and approved design, specifications and drawings and that he/she will advise the City if he/she is removed from the project. This letter shall be provided to the Approving Officer at the time the subdivision is tendered for preliminary review.
- (4) The Owner shall be required to deposit with the City a bond equal to 15% of the estimated construction cost of the subdivision that shall be used by the City to provide inspection services in default of the above. This subsection may be waived at the discretion of the Approving Officer.

Engineering Standards

18. Notwithstanding Schedule 5 the City may, within the limits of recognized good engineering practice and within the limits of the general intent of this bylaw amend, alter, or update the specifications and standards of engineering design to be used in the City to meet specific circumstances, special construction problems, or to provide for new and changing types of construction materials and methods.

Utility and Public Works Construction

19. (1) A sanitary sewage collection system and a water distribution system constructed to meet standards and specifications set out in Schedule 5 attached to and forming part of this bylaw, shall be provided to service each parcel to be created by the subdivision, and to this end, in the case:
- (a) Where a required sanitary sewer main, storm sewer main, or water main is to be located within the confines of, or along an existing right-of-way bordering the parcel of land proposed for subdivision, the Owner shall bear all costs involved in providing same, however:

- (i) If other property abutting the main is unsubdivided, the Owner will be reimbursed 50% of the cost of the main if and when the abutting property is subdivided and only for the number of lineal feet or metres abutting the main and contained within the new subdivision.
 - (ii) If other property abutting the main is already subdivided, the Owner will be reimbursed 50% of the cost of the line if and when the abutting property is connected to the water, storm sewer, or sanitary sewer main. Reimbursements will be made only for the number of lineal feet or metres of main abutted by the property being serviced.
 - (iii) When the required sanitary sewer main, storm sewer main, or water main exists on a dedicated right-of-way or registered easement bordering the proposed subdivision, the Owner shall, subject to subsection (a) above, be required to pay to the City a levy per lineal foot or metre for each abutting frontage foot or metre as measured along the paralleling property line or lines of the unsubdivided tract of land.
- (b) Where the nearest boundary of the land proposed to be subdivided is 100 feet (30.48 m.) or less in distance as measured along the property lines of construction, from an established and sufficient sanitary sewer main, water main, storm sewer main, pumping system and/or water storage facility, the Owner shall bear the expense in extending and/or enlarging the main or mains, pumping system capacities and providing sufficient water storage to the proposed subdivision and to the extremities of the subdivision, including the actual connection between mains.
- (c) Where the nearest boundary of the proposed subdivision is greater than 100 feet (30.40 m.) from an established and sufficient sanitary sewer main, water main, storm sewer main, pumping station and/or water storage facility, the Owner shall bear the cost of extending and/or enlarging the main or mains, pumping system capacities and providing sufficient water storage to the subdivision, however, if other property abutting the main is unserved, the Owner will be reimbursed for the cost of that portion of the main, if and when the abutting property is connected to the water, sanitary sewer, or storm sewer main. Reimbursements will be made only for the number of lineal feet or metres of main abutted by the property being serviced.
- (d) (i) Where the required sanitary sewer main, storm sewer main, or water main exists on a dedicated right-of-way or registered easement within the proposed subdivision, the Owner shall subject to Subsection (iii) above, be required to pay the City a levy per lineal foot or metre for each abutting frontage foot or metre as measured along the main or mains.
- (ii) Where the required main or mains exist, either internal or external, and a local improvement charge for the installation of any main has been levied on the property proposed to be subdivided, no additional charge with respect to the main or mains shall be made to the Owner.
- (e) Notwithstanding section 9 (1), 9 (2) and 15 (d) and, subject to the requirements of this section, the area shown outlined in bold on Schedule 5 attached to this bylaw, may be subdivided without the provision of sanitary sewer services connecting to the City sanitary sewer system. Subject to the requirements of this section and with the approval of the Medical Health Officer, property so subdivided may be served with an individual ground sewage disposal system.
- (i) For this section the following definitions apply:
- “Development site area”** means a contiguous area of land that has an average slope of not more than 20%, no portion of which is subject to soil percolation rates in excess of 20 minutes after a contiguous four-hour full test

hole soaking, or less than 3.1 m. (10 feet) of natural coarse soil above bedrock or other impervious layer.

“**Medical Health Officer**” means the Medical Health Officer appointed under the Health Act thereto, who has jurisdiction over the area in which the subdivision is located.

- (ii) All parcels created by subdivision under this section shall have a developable site area of not less than 0.5 acres (0.2025 hectares).
 - (iii) Where on-site sewage disposal systems are proposed, the requirements of this bylaw, the Health Act, Pollution Control Act, Sewage Disposal Regulations and Appendix B of the BC Regulations 262/70 and amendments thereto shall be met.
- (2) A drainage collection system constructed to meet standards and specifications as set out in Schedule “A” attached to and forming part of this bylaw, service the subdivision.
 - (3) Where the City requires that a sanitary sewer main, drainage system, or water main be of a size greater than that required by a good engineering practice for the subdivision in question, the City shall assume and pay the costs of providing any additional capacity.

An Adequate Roadway System

- (4) (a) Every street, lane and walkway proposed to be created by land subdivision including widening strips of existing streets within the proposed subdivision shall be cleared, graded and graveled in accordance with the standards and specifications established by the Approving Officer, at the expense of the Owner. Furthermore, lanes shall be oiled and streets paved in accordance with the standards and specifications. Where a dedicated road exists, the City may construct the roadway within two (2) years of registration of the subdivision. The developer may construct the required roadway in which case the City will assume and pay the total prior approved cost of the work within one (1) year of completion of the subdivision.

An Adequate System of Sidewalks and Curbs

- (b) Every street proposed to be created by land subdivision including widening strips of existing streets within the proposed subdivision shall have a system of sidewalks and/or curbing in accordance with the standards and specifications as set out in Schedule “A” attached to and forming part of this bylaw, at the expense of the Owner.
- (5) A sewer and water and drainage system complete with service connections, to meet the standards and specifications as set out in Schedule “A” attached to and forming part of this bylaw shall be constructed at the Owner’s expense, with these services to be provided to every lot created by the subdivision. Where existing roads have been constructed, the Approving Officer, at his sole discretion, may waive this requirement in favour of the Municipality completing the required work at the Owner’s expense. When deemed expedient, transit bays will have to be provided at the Owner’s expense in such locations as determined by the City.
 - (6) An underground wiring system for electrical power, telephone, ornamental lighting and television cable shall be provided. These utilities shall be placed in accordance with regulations established by the Approving Officer and the appropriate utility company having jurisdiction, and where applicable at the Owner’s expense.
 - (7) An ornamental street lighting system in such areas as may be designated by City Council. This work shall be undertaken in accordance with standards and specifications established by the Approving Officer, at the Owner’s expense.

- (8) A natural gas distribution system shall be arranged by the Owner with the utility company concerned.

Dedication of Public Open Space

- (9) The owner of land being subdivided shall provide, without compensation, land for public open space in accordance with the provisions of the Municipal Act.

Bonding

- (10) The Owner or Contractor shall deposit with the City such sums of money, bonds, or other securities as may be determined by the City Treasurer, such deposit to be held until final completion and certification of the project. Without limiting the generality of the foregoing section of this bylaw, the deposits shall be:
- (a) Sanitary sewage and waterworks system - fifty percent (50%) Performance Bond or cash deposit.
 - (b) Drainage System - fifty percent (50%) Performance Bond or cash deposit or payment per acre of subdivided land. This rate shall be established by resolution of Council. If the cost of the drainage system constructed and paid for by the Owner is greater than this total amount, the City will pay to the Owner the approved difference and return the initial deposit. If the cost of the system constructed and paid for by the Owner is less than the deposited amount, the City will return only the approved amount spent and keep the balance. The latter balance is not refundable at any time. If payment is in the form of a contribution towards an adjacent or future system then the full rate shall be paid without refund.
 - (c) Roads - fifty percent (50%) Performance Bond or cash deposit.
 - (d) Ornamental Street Lighting - fifty percent (50%) Performance Bond or cash deposit.
 - (e) Sidewalks/curbing - fifty percent (50%) Performance Bond or cash deposit.
 - (f) Other items - cash deposit as determined by the City Manager to cover the estimated cost of: inspections, tests, studies, construction maintenance, connections to existing utilities and other similar items.
 - (g) City construction - at the request of the Owner, the City may undertake to complete the work required by subsection (c), (d), and (e) at its earliest convenience. A cash payment equal to the City's estimate of completing the work shall be deposited with the City Treasurer.
 - (h) Off-site services as required in Section 19 (1) (b) and (c) - fifty percent (50%) Performance Bond or cash deposit.

Insurance

- (11) Before the work is commenced, the Contractor shall, at his expense, obtain and produce to the City Manager a satisfactory insurance policy. Such insurance shall enure for the joint benefit of the City and the Contractor against any liability which may arise out of the construction or installation of the work to be carried out under the contract. The policy shall have no exclusions for blasting and must contain a "completed operations" clause. The Contractor shall provide to the City from time to time, as may be required, satisfactory proof that such policies are still in force and effect, until the end of the maintenance period. Such insurance shall carry the following limits of liability.

- Public Liability:
 - \$1,000,000.00 for loss or damage resulting from bodily injury to or death of any one person.

- \$1,000,000.00 for loss or damage resulting from bodily injury to or death of two or more persons arising from the same accident.
- Property Damage:
 - \$1,000,000.00 for damage to property arising from any one accident.
- Contingent Liability:
 - To the same limits as established to cover the Contractor's direct liability.
- Fires:
 - All buildings, and structures in connection therewith and all materials which may be stored at the site of the work, whether or not such materials shall have been supplied by others, to be insured against loss by fire to an amount equal to the contract price less the cost of excavation and foundations below the undersurface to the lowest floor, with the date of their occupancy by the City.

Sequence of Installation of Services

- (12) Unless permission to deviate from the following order has been received from the Approving Officer, the sequence of installation shall be as follows:
- (a) Clearing and rough grading of right-of-way.
 - (b) Installation of water mains where applicable. This shall include service line to each lot.
 - (c) Installation of sewer lines where applicable. This shall include service line to each lot.
 - (d) Installation of storm drains where applicable. This may include service line to each lot.
 - (e) Installation of gas mains where applicable. This shall include service line to each lot.
 - (f) Installation of underground wiring. This shall include service line to each lot.
 - (g) Laying of road or lane base material.
 - (h) Laying of sidewalks and/or curbs.
 - (i) Installation of street lighting.
 - (j) Laying of pavement.

During installation and construction, the subdivider, contractor, or consultant engineer shall call for periodic City inspections of the work. The subdivision services will in no case be accepted by the City until all services have been completed in accordance to the plans, specifications and standards prepared by the Owner's consultant engineer in accordance with this bylaw.

Maintenance of Works

- (13) During the construction period and until the City has issued the "Notice of Acceptance" the Contractor shall, unless specifically stated otherwise, be solely responsible for the maintenance of the works including materials and equipment incorporated into the works or otherwise, and any part of the works constructed by himself or any existing utility, piping, structures, travelled or untravelled surfaces, and other existing properties other than his own which are affected in any by his work.

The Contractor shall, in addition, be responsible for maintenance of the works as may be detailed in the respective sections of the specifications established by this bylaw.

Maintenance Period

- (14) The Contractor shall maintain all repaved surfaces, main pipes, service pipes, pipe specials, structures, and equipment provided and/or installed under the contract for a period of one (1) year following the date of issuance of the "Notice of Acceptance" by the City.

He shall replace materials and rectify any defects or failures, including those resulting from settlement, that occurred during the maintenance period.

Any repair or replacement required in accordance with the above stipulated maintenance shall be carried out by the Contractor or his appointed representative without delay on the request by the City. In the event that repair or replacement must be carried out immediately to prevent serious damage or loss, the City, in the absence of the Contractor, may at its own discretion take whatever action is necessary to prevent such damage or loss. This action taken by the City shall in no way relieve the Contractor from his contractual responsibilities.

The Contractor shall carry out all repair and replacement to the satisfaction of the City Manager and in accordance with the specifications of the contract. The Contractor may, at the discretion of the City Manager, be required to perform tests of repairs or replacements as specified for the original work.

All costs resulting from the necessity to do work required under the maintenance whether it be done by the City, the Contractor, or his representative, shall be borne by the Contractor.

The Contractor shall make good to the City all expenses, losses, or damages incurred during the maintenance period, in consequence of any defect, omission, or mistake of the Contractor. The value of such expenses, losses or damages shall be determined by the City Manager.

Unless it is specifically stated otherwise herein, the satisfactory completion or functioning of the installation during the one (1) year maintenance period shall suffice to provide evidence of fulfillment by the Contractor of his obligations under a contract.

If the City observes through the operation or it is discovered by tests or inspection of the works prior to the end of the one (1) year maintenance period that a deficiency or defect exists in the materials or workmanship of the installation in respect to this specific works, the Contractor shall rectify such deficiencies or defects immediately upon the request by the City.

Unless otherwise specified herein any testing done after the issuance of the "Notice of Acceptance", unless done on actual repairs or replacement work, shall be at the expense of the City. When testing is required on repair or replacement work the cost shall be borne by the Contractor.

The term "maintenance" as used herein does not include system operation or rectification of failures or problems arising out of system operation or rectification of normal operational wear and tear. Maintenance on equipment supplied to the Contractor by the City for installation in the works attributable to improper installation is included.

Notice of Acceptance

- (15) Upon receipt of written notice from the consulting engineer that the work is completed and ready for acceptance the City Manager shall make a final inspection, and when he finds the work acceptable, he shall issue a "Notice of Acceptance". This notice shall be given only after the completion of the following items:

- (a) The depositing with the City of one (1) year Maintenance Bond equal to ten percent (10%) of the total contract cost.
- (b) The receipt of a letter from the consultant engineer stating that all work is acceptable under the terms of the contract and that the contract has been fully performed.
- (c) The receipt of completed reproducible "as constructed" drawings and service cards of all work performed. The City shall supply sufficient service cards to be accurately completed by the consulting engineer.
- (d) The replacement of all damaged or missing survey pins and posts per the legal survey plan.
- (e) The receipt of a complete tender form document from the original contract, complete with a statement from the consultant engineer indicating a comprehensive breakdown of the final cost of the work.
- (f) Every Owner and/or Developer of a subdivision shall advise each lot purchaser that the City will not issue an Occupancy Permit, under conditions of the City Building Bylaw, until this "Notice of Acceptance" has been issued. A conditional "Notice of Acceptance" may be granted permitting the hot-mix asphalt paving, sidewalks and/or curbs are to be completed within one (1) year. It shall be the intent of this clause to ensure that:

all services are tested and marked

all boulevards are trimmed, and

all roads are completed to crushed gravel and oiled condition prior to the occupancy of any newly constructed home.

Latecomer Payments

- (16) Pursuant to section 939 (8) of the Municipal Act, interest calculated annually on a charge imposed for the connection to or use of excess or extended services pursuant to section 939 (5) of the Municipal Act, shall be prime less 3%.

Integrated Survey Area

- (17) Where the City requires that a sanitary sewage collection system, a water distribution system, storm sewer collection system, or street lighting system be installed, all mains, valves, catchbasins, manholes and street light standards shall be referenced on the as-built drawings to the survey control established under Integrated Survey Area No. 84.

Steps for Final Approval

- 20. The following is a list of the steps to be followed by a Subdivider (Owner) wishing to obtain "final approval" to the subdivision of land:
 - (a) Receipt of tentative or preliminary approval under Section 6 of this bylaw.
 - (b) Legal survey posting on the ground and preparation of the legal survey plan of subdivision and easements by a registered British Columbia Land Surveyor.
 - (c) The preparation of preliminary "construction drawings" as described in the standards and specifications set in Schedule "A" attached to and forming part of this bylaw. These plans must show approximate road grades, drainage patterns; utility service main locations; sidewalk and curb grades; cut and fill sections, and existing ground water table. All plans must bear the seal of a Professional Engineer registered to practice in the Province of British Columbia, and must include topography as directed by the Approving Officer.
 - (d) Submission of the preliminary construction drawings to the Approving Officer for approval. These drawings must be approved by the Approving Officer prior to completion of the final plans and specifications.

- (e) Subject to Section 21, the Owner shall deposit with the City Treasurer such securities as indicated in Section 19 (10).
 - (f) Subject to Section 21, the Approving Officer may affix his signature to the legal survey plan of subdivision, including easement plans and agreements, as required under the Land Titles Act, and the Owner may then forward these plans to the Land Title Office for registration.
 - (g) The preparation of final engineering construction drawings as described in the standards and specifications set out in Schedule "A" attached to and forming part of this bylaw. These construction drawings must have the seal of a Professional Engineer registered to practice in the Province of British Columbia. These drawings are to be submitted to and approved by the Approving Officer prior to any construction.
 - (h) After construction of all services has been completed to the satisfaction of the Approving Officer, the subdivider shall ensure that all items contained in Section 19 (15) have been completed.
21. The Approving Officer is hereby empowered to omit one (1) or more of the steps listed in Section 20 provided however that where approval has been granted to omit Section 20 (e), thereby foregoing the deposit noted therein, then final approval of the legal plan of subdivision will be withheld by the Approving Officer until all construction is hereby completed and until the requirements of Section 20 (h) have been met.

Appeal

22. Any person who is aggrieved by a decision of any official charged with the enforcement of this bylaw may appeal to the City Council by filing their appeal in writing with the City Clerk. However, the Council shall not have the authority to abridge the statutory responsibility of an official and shall not hear an appeal where it is shown that the decision of the official is consistent with good engineering practices. The decision of the Council shall be final and binding.

Authorization To Enter

23. The Approving Officer, City Works Public Works Manager, and their respective assistants, and such other persons as the Municipal Council of the City may authorize, may enter at all reasonable times upon the lands for which application to subdivide has been made in order to ascertain whether the provisions of this bylaw are being obeyed.
24. No person shall obstruct or seek to obstruct the entrance into any place of any person acting pursuant to Section 23 of this bylaw.

Penalty

25. Every person who violates or who causes or allows to be violated any of the provisions of this bylaw shall be guilty of an offence against this bylaw; and each day on which such violation occurs or is caused or allowed to continue shall constitute a separate offence.
26. Every person guilty of an offence against this bylaw shall be liable on Summary Conviction to a penalty not exceeding five hundred dollars (\$500.00) for each offence.

Repeal

27. The City of Trail Subdivision Control Bylaw 1974, No. 1693 and amendments thereto are hereby repealed.

READ the **FIRST, SECOND** and **THIRD** time the 17th day of December, 1984.

RECONSIDERED and **FINALLY ADOPTED** the 14th day of January, 1985.

Charles Lakes

Ken Wiesner

MAYOR

CLERK

I hereby certify this
to be a true copy of
Bylaw No. 1988.

CLERK