

THE CORPORATION OF THE VILLAGE OF BURNS LAKE

SUBDIVISION SERVICING BYLAW NO. 603, 1990

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WHEREAS the council of the Corporation of the Village of Burns Lake wishes to adopt a Bylaw to regulate and require the provision of the services in respect to subdivision of land pursuant to Sections 625, 988, 989, 990, 991, and 995 of the *Municipal Act*;

AND WHEREAS the Council of the Corporation of the Village of Burns Lake wishes to consider requiring the provision of works and services under Section 989 of the *Municipal Act* as a condition of the issue of a Building Permit;

NOW THEREFORE, the Council of the Corporation of the Village of Burns Lake, in open meeting duly assembled, ENACTS AS FOLLOWS:

1.0 TITLE

This Bylaw may be cited as the "Corporation of the Village of Burns Lake Subdivision Servicing Bylaw No. 603, 1990. Text and figures enclosed by brackets (---) are included for information only and do not form part of this Bylaw.

2.0 REPEAL

The "Village of Burns Lake Subdivision Service Control Bylaw No. 379, 1979", and all amendments thereto, is hereby repealed.

3.0 DEFININITIONS

In this Bylaw, unless the context otherwise requires:

"APPROVAL" means written approval of a subdivision by the Approving Officer or issuance of building permit by the Building Inspector.

"APPROVING OFFICER" means a person appointed as an Approving Officer for the Corporation of the Village of Burns Lake.

"BUILDING INSPECTOR" means a person appointed as a Building Inspector for the Corporation of the Village of Burns Lake.

"COMMUNITY DRAINAGE SYSTEM" means a system of works owned, operated, and maintained by the Municipality, designed and constructed to control the collection, conveyance, and disposal of surface and other water.

"COMMUNITY SANITARY SEWAGE SYSTEM" means a system owned, operated, and maintained by the Municipality for the collection and disposal of

sanitary sewage.

"COMMUNITY WATER SYSTEM" means a system of waterworks, within the meaning of the *Health Act*, which is owned, operated, and maintained by the Municipality.

"HIGHWAY" means and includes any street, road, lane, walkway, bridge, viaduct, and any other way open to the use of the public, but does not include a private right-of-way on private property.

"LANE" means a narrow highway which provides vehicular access to any abutting parcel, so that the parcel may be serviced or accessed by vehicles using that highway.

"MEDICAL HEALTH OFFICER" means the official appointed under the *Health Act* who has jurisdiction over the area in which the subdivision is located.

"MUNICIPALITY" means the Corporation of the Village of Burns Lake.

"OWNER" means a person, registered in the Land Titles Office as owner of land or a charge on land whether entitled to it in his own right or in a representative capacity or otherwise, and includes "registered owner".

"PARCEL" means any lot, block or other area in which land is held or into which land is subdivided, but does not include a highway or portion thereof.

"POTABLE WATER" means water which is accepted for drinking purposes by the Medical Health Officer.

"PROFESSIONAL ENGINEER" means a person who is registered or duly licensed as such, under the provisions of the *Engineering Profession Act* of the Province of British Columbia.

"SUBDIVISION" means the division of land into two or more parcels, whether by plan, apt descriptive words, or otherwise.

"WALKWAY" means a narrow highway for the predominant use of pedestrian traffic.

"WORKS AND SERVICES" means any public service, facility or utility which is required or regulated by this Bylaw and without restricting the generality of the foregoing includes: the supply and distribution of water; collection and disposal of sanitary sewage and drainage water; street lighting; access roadways, curbs, gutters, and sidewalks; and natural gas, power, telephone and cablevision

services.

"ZONE" means a zone as provided for the Land Use Regulation Bylaw of the Corporation of the Village of Burns Lake, and amendments thereto.

All words and expressions used in the Bylaw shall have the same meaning assigned to them as like words or expressions contained in the *Land Title Act* and the *Municipal Act*.

4.0 GENERAL PROVISIONS

4.1 Severability

The provisions of this Bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

4.2 Administration

This Bylaw shall be administered by:

- a) The Approving Officer of the Corporation of the Village of Burns Lake where works and services are to be provided because of subdivision of land; or
- b) The Building Inspector of the Corporation of the Village of Burns Lake where works and services are to be provided pursuant to Section 989 (4), (5), or (6) because of an application for a building permit; or
- c) Some other officer appointed by Council.

4.3 Record Kept

1. The Approving Officer shall maintain a record of all applications submitted under this Bylaw with respect to subdivisions which record shall indicate the final disposition of all such applications thereon.
2. The Building Inspector shall maintain a record of all occasions when the provisions of this Bylaw are used under Section 989 (4), (5), or (6) of the *Municipal Act* to require the provision of works and services in accordance with the standards of this Bylaw, and this

record will show what works and services were provided and where.

4.4 Authorization for Entry

Employees of the Municipality are hereby authorized to enter at all reasonable times upon any property or premises to inspect the same in connection with their duties under this Bylaw and to ascertain whether the provisions of this Bylaw are being complied with.

4.5 Measurements

All measurements in this Bylaw are expressed in the Metric System.

4.6 Compliance with Other Regulations

(Applications for subdivision will be reviewed for compliance with the requirements of this Bylaw and other Municipal and Provincial legislation. Nothing contained in this Bylaw shall relieve the owner of a subdivision from the responsibility to seek out and comply with legislation applicable to his undertaking.)

(Except where a setback of a building or structure in respect to a highway is concerned, no subdivision shall be approved which would cause any existing building or structure, sewage disposal installation or used source of potable water to contravene any zoning, building, or other regulation in force.)

5.0 REQUIRED WORKS AND SERVICES

5.1 Works and Services

(To provide certainty and equity for all, whether subdivider, council, administration or the public, the areas where specified works and services are required to be provided at subdivision or development should be made very clear. In determining which approach to use, the location of zoning zones, the current extent and capacity of various services, the most cost-effective extensions of services, etc. should be considered. The areas where various services are required can be shown:-

- a) in tabular form (a part of text) based on the zones in the zoning Bylaw; or

- b) on a map(s) scheduled to the Bylaw and which shows the areas where specific works and services are to be provided.)

5.2 Highway Width

Throughout the Municipality and in accordance with the following uses of highways, the subdivider or developer shall provide land for highways without compensation:

- a) for motor vehicle use, land not exceeding 20 metres in width; or
- b) to widen an existing local highway that borders on or is within the subdivision or development no more than the lesser of:-
 - i) 10 metres in width; or
 - ii) the difference between the current width of a local highway and 20 metres; but
- c) notwithstanding subsection (a) of this section, additional width may be required pursuant to Section 995 (2) of the *Municipal Act*; and
- d) for motor vehicle use, lanes where deemed necessary pursuant to Section 75 (1) (d) of the *Land Title Act* which shall have a minimum width of six (6) metres; but
- e) for pedestrian use only, walkways shall have a minimum width of three (3) metres.

5.3 Roads

Highways, sidewalks, and boulevards shall be provided in all subdivisions and developments in accordance with Schedules "B" and "C", which are attached to and form part of this Bylaw; and all highways, sidewalks, and boulevards shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

5.4 Water

A water distribution system and fire hydrant system shall be provided in accordance with Schedule "B", which is attached to and forms part of this Bylaw, and where no system is required, each newly created parcel is to be provided with a source of potable water; and each system or source shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

5.5 Effluent Disposal

A sewage collection system shall be provided in all subdivisions and developments in accordance with Schedule "B", which is attached to and forms part of this Bylaw, and where no system is required, each newly created parcel is to have an area of soil capable of disposing of a specified amount of effluent; and the system or area of soil shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

5.6 Drainage

An enclosed or open channel drainage system shall be provided in all subdivisions and developments in accordance with Schedule "B", which is attached to and forms part of this Bylaw; and each system shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

5.7 Streetlighting

Streetlighting shall be provided in all subdivisions and developments in accordance with Schedule "B", which is attached to and forms part of this Bylaw; and the streetlighting shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

5.8 Underground Wiring

Underground wiring shall be provided in all subdivisions and developments in accordance with Schedule "B", which is attached to and forms part of this bylaw; and all underground wiring is to be

located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

5.9 Overhead Wiring and Natural Gas

1. Overhead wiring may, at the owner's option, be provided for some subdivisions in accordance with Schedule "B", which is attached to and forms part of this bylaw; and, where such overhead wiring is to be provided, it shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.
2. Natural gas services may, at the owner's option, be provided for some subdivisions; and, where such natural gas services are to be provided, they shall be located, constructed, and otherwise meet the standards found in Schedule "A", which is attached to and forms part of this Bylaw.

6.0 SECURITY

Where:

- a) all works and services required to be constructed or installed at the expense of the subdivider are not constructed or installed, before the Approving Officer approves of the subdivision, security in the form of a cash deposit, or an irrevocable letter of credit from a financial institution acceptable to the Municipality, in the amount of 120% of the estimated construction cost, as estimated by the Approving Officer, and satisfactory to the Approving Officer, shall be deposited with the Municipality; and
- b) where all works and services required to be constructed and installed at the expense of the developer pursuant to Section (4), (5) or (6) of the *Municipal Act* are not constructed or installed, before the Building Inspector issues the building permit, security in the form of a cash deposit, or an irrevocable letter of credit from a financial institution acceptable to the Municipality, in the amount of 120% of the estimated construction cost, as estimated by the Building Inspector, and satisfactory to the Building Inspector, shall be deposited with the Municipality.

7.0 FEES

7.1 Application Fees

Pursuant to Section 988 (4) of the *Municipal Act*, a fee of Twenty-five (\$25) Dollars for the first parcel created by subdivision and Ten (\$10) Dollars for each additional parcel is payable to the Municipality.

7.2 Examination Fee

An examination fee as required under Section 83 (2) (a) of the *Land Title Act* and set out in regulations thereto is payable to the Municipality.

(No other fees may be levied)

8.0 BYLAW SCHEDULES

The following is a list of schedules attached hereto and which form a part of this Bylaw:

Schedule "A" - Design Criteria, Specifications, and Standard Drawings

Schedule "B" - Level of Works and Services

Schedule "C" - Level of Highway Works and Services

The following is a list of appendices attached hereto for the purpose of providing information only and which do not form a part of this Bylaw:

Appendix "A" - Drawing Submissions - Acceptable Standards

Appendix "B" - Typical Servicing Agreement

9.0 ADOPTION

READ A FIRST TIME this 9th day of January , 1990.

READ A SECOND TIME this 9th day of January , 1990.

READ A THIRD TIME this 9th day of January , 1990.

Reconsidered, Finally Passed, and Adopted by

Council this 23rd day of January , 1990.

Mayor

Clerk-Treasurer

I hereby certify the above to be a true and correct copy of the
"Corporation of the Village of Burns Lake Subdivision Servicing Bylaw
#603, 1990", this 25th day of January , 1990.

Clerk-Treasurer