

VILLAGE OF FRUITVALE
SUBDIVISION AND DEVELOPMENT
SERVICING BYLAW NO.

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WHEREAS the Village of Fruitvale wishes to revise the provisions of the present Subdivision Control Bylaw No. 199, May, 1979;

AND WHEREAS pursuant to Division 7 of Part 29 of the Municipal Act, a local government, may by bylaw, regulate and require the provision of works and services in respect of the subdivision or development of land;

NOW THEREFORE, the Council of the Village of Fruitvale, in open meeting assembled, enacts as follows:

VILLAGE OF FRUITVALE
SUBDIVISION AND DEVELOPMENT
SERVICING BYLAW NO.

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Schedules

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SCHEDULE B -Regulations, Standards, and Specifications For
The Design and Construction of Highways

SCHEDULE C -Regulations, Standards, and Specifications For
The Design and Construction of Curbs and Gutters,
Sidewalks, and Boulevards

SCHEDULE D -Regulations, Standards, and Specifications For
The Design and Installation of Water Systems

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STANDARD FORMS

Standard Development Agreement Document Fee
Simple Subdivisions

Standard Statutory Right-of-Way Document

Confirmation of Commitment by Owner

Confirmation of Professional Assurance

APPENDIX 1.0Standard Drawings

SECTION 1 - TITLE

This bylaw may be cited as the Village of Fruitvale Subdivision and Development Servicing Bylaw No.

SECTION 2 - INTERPRETATION

INTERPRETATION

In this bylaw, unless the context requires otherwise:

"Applicant" means a person applying for the approval of a subdivision, pursuant to the provision of the Land Title Act, or a person applying for development other than subdivision, whether as the owner of the property proposed to be subdivided or developed or as agent for the owner or his contractor.

"Approval, Final" means the Approving Officer's affixation of his signature to the subdivision plan pursuant to Section 88 of the Land Title Act.

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

"Approving Officer" means any person duly authorized by the Village Council to act as Approving Officer pursuant to the provisions of the Land Title Act.

"Building Inspector" means the Building Inspector for the Village of Fruitvale.

"Building Regulations" means the Village of Fruitvale Building Bylaw No. 512 as amended.

"Communications wiring" means Telephone or Cable TV wiring or both.

"Community Sewer System" means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by the municipality.

"Community Water System" means a system of waterworks within the meaning of the Health Act which is owned, operated and maintained by the Municipality, an Improvement District under the Water Act or the Municipal Act, or which is regulated under the Water Utility Act, and authorized by the Municipal Council.

"Council" means the Council of the Corporation of the Village of Fruitvale.

"Cul-de-sac" means a length of local street made for vehicular use, the end of which is permanently closed either by subdivision design or by a natural feature such as inaccessible terrain.

"Design Engineer" means the Professional Engineer engaged by the developer to design and prepare drawings for construction of works in a subdivision or development, or his authorized representative.

"Development" means an activity that requires a Building Permit.

"Drainage System" means a system of works designed and constructed to control the flow of storm water, ground water, or both.

"Frontage" means the length of a parcel boundary which immediately adjoins a highway other than a lane or a walkway. In the case of a parcel fronting on more than one highway, the narrower side of the parcel abutting a highway shall be its frontage.

"Gradient or Grade" expressed as a percentage is determined by dividing the vertical height from the lowest to highest elevation on the parcel by the horizontal distance between the lowest and highest point.

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

"Highway, Collector" means a street which carries traffic from local highways to arterial highways and includes the principal entrance streets for circulation of traffic within such a subdivision.

"Highway, Local" means a street used primarily for travel and access to and from the parcels of land contiguous thereto.

"Irrigation District" means an irrigation district incorporated under the Municipal Act or in the Water Act.

"Lane" means a highway more than 3 metres but not greater than 8 metres in width, intended to provide secondary access to parcels of land.

"Medical Health Officer" means the Medical Health Officer appointed under the Health Act.

"Municipality" means the Village of Fruitvale or the area within the municipal boundaries thereof as the context may require.

"Owner" in respect of real property means the registered owner of an estate in fee simple, and includes;

- the tenant for life under a registered life estate;
- the registered holder of the last registered agreement for sale;
- the holder or occupier of land held in the manner mentioned in Sections 409 and 410 of the Municipal Act;
- an Indian who is an owner under the letters patent of a municipality, incorporated under Section 10 of the Municipal Act.

"Panhandle Parcel" means any parcel which is serviced and gains highway frontage through the use of a narrow strip of land which is an integral part of the parcel (hereinafter called the "Access Strip").

"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.

"Parcel Area" means the total land area of a parcel contained within all of the parcel lines measured on a horizontal plane and expressed in units of square metres.

"Parcel Depth" means the average distance from the front parcel line to the rear parcel line.

"Parcel Line" means a line marking the boundary of a parcel.

"Parcel Line - Front" means the parcel line which immediately adjoins a highway other than a lane or walkway. In the case of a parcel fronting on more than one highway, the narrower side of the parcel abutting a highway shall be its front parcel line.

"Parcel Line - Rear" means the parcel line furthest from and opposite to the front parcel line, except that there shall not be more than one rear parcel line.

"Parcel Line - Side" means a parcel line marking the boundary between two parcels or between a parcel and a lane or between a parcel and a highway in the case of a corner parcel of which one or both ends intersect a front parcel line.

"Parcel Width" means the horizontal distance between the side parcel lines measured at right angles to the parcel depth.

"Potable Water" means water which is approved 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 Engineers and Geoscientists Act of British Columbia.

"Proven Supply" means that a supply of potable water is available and proven with respect to volume, delivery and continuity of supply from an on-site groundwater system, a source requiring a water license from the Ministry of Environment or a community water system.

"Right-of-Way" includes land or any interest in land acquired for any public purpose including:

- a) public rights of passage with or without vehicles; or
- b) constructing, maintaining, or operating any railway;
- c) erecting and maintaining any pole-line;
- d) laying, placing, and maintaining drains, ditches, pipes, transmission lines, or wires, for the conveyance, transmission, or transportation of water, electric power, communication, or for the disposal of sewage;
- e) the operation and maintenance of vehicular traffic and as registered as a public right-of-way.

"Roadway" means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic.

"Service Level" means the standard of municipal services required for development of subdivisions under the provisions of this bylaw.

"Street" means a highway except a lane, trail, or walkway.

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

"Village" means the Village of Fruitvale.

"Village Engineer" means the person or persons designated from time to time by Council to fulfill the duties assigned by this Bylaw.

"Walkway" means a highway intended to carry pedestrian and non-motorized traffic.

"Watercourse" means any natural or man-made drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, ravine, swamp, gulch, or source of ground water, whether enclosed in a conduit or not.

"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; highways, access roadways, curbs, gutters, and sidewalks; and natural gas, power, telephone and cablevision services.

"Zone" means a zone as provided for in the Village of Fruitvale Zoning Bylaw in effect at the date of an application for subdivision or building permit.

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

Items noted in italics are not part of this Bylaw and are provided for information only.

SECTION 3 -GENERAL PROVISIONS

SEVERABILITY

3.1 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.

ADMINISTRATION

3.2 This Bylaw shall be administered by:

- (a) The Approving Officer of the Village of Fruitvale where works and services are to be provided because of subdivision of land; or
- (b) The Building Inspector for the Village of Fruitvale where works and services are to be provided because of an application for a building permit.

RECORD KEPT

3.3 The Approving Officer may maintain a record of all applications submitted under this Bylaw with respect to subdivisions; the record will indicate the final disposition of all such applications;

3.4 The Building Inspector may maintain a record of all occasions when works and services are required in accordance with the standards of this Bylaw and this record will show what works and services were provided and where.

AUTHORIZATION OF ENTRY

3.5 The Approving Officer, Building Inspector or any other officer appointed by Council 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.

LEVEL OF SERVICE

3.6 Unless otherwise approved by a Development Variance Permit or Development Permit issued by the Council pursuant to the Municipal Act, all subdivisions and developments shall be provided with service as prescribed in Schedule A of this Bylaw. The service levels may be different for different zones within the Village in accordance with the provisions of Schedule A of this Bylaw.

EXCESS OR EXTENDED CAPACITY

3.7 Pursuant to Section 990 of the Municipal Act, the Village may require that the Applicant provide excess or extended services to provide access to or service land other than the land being subdivided or developed.

SUBDIVISIONS WHERE SERVICING REQUIREMENTS MAY BE WAIVED

3.8 Notwithstanding Subsection 5 of this Section, the servicing requirements prescribed in Schedule A of this bylaw do not apply where the parcel created is to be used solely for the unattended equipment necessary for the operation of:

- .1a community water system;
- .2a community sewer system;
- .3a community gas distribution system;
- .4a community radio or television receiving antennas;
- .5a radio or television broadcasting antenna;
- .6a telecommunications relay station;
- .7an automatic telephone exchange;
- .8an air or marine navigational aid;
- .9electrical substations or generating stations; or
- .10any other similar public service or quasi public service facility or utility.

CONNECTION TO THE COMMUNITY WATER SYSTEM

3.9 All water distribution or fire hydrant systems provided in accordance with this Bylaw shall be connected to the community water system.

CONNECTION TO THE COMMUNITY SEWER SYSTEM

3.10 All sanitary sewage collection systems provided in accordance with this Bylaw shall be connected to the community sewer system.

CONNECTION TO THE COMMUNITY DRAINAGE SYSTEM

3.11 All drainage collection systems provided in accordance with this Bylaw shall be connected to the community drainage system.

COMPLIANCE WITH BYLAW

3.12 No person shall subdivide land in the Village except in compliance with the provisions of this Bylaw.

COST OF SERVICES

3.13 All works and services required in this Bylaw shall be constructed and installed at the expense of the owner of the land being subdivided or developed.

BONDING AND DEVELOPMENT AGREEMENT REQUIRED

3.14 All works and services to be constructed and installed to serve any proposed subdivision of any lands shall be constructed and installed as prescribed in Schedules A to H hereto at the expense of the Applicant prior to the approval of such subdivision by the Approving Officer. A plan of subdivision may be finally approved prior to the completion of the construction and installation of the required works and services where the Applicant deposits with the Village of Fruitvale the security as specified in the Standard Development Agreement Document and enters into a form of agreement with the Village as contained in the Standard Development Agreement Document for subdivisions pursuant to the Land title Act of the Province of British Columbia, to do all things required to carry out and construct the necessary works and services.

RIGHT-OF-WAY AGREEMENT

3.15 Where the provisions of this Bylaw require an Applicant to grant a utility or drainage right-of-way to the Village, the Applicant shall be required to enter into an agreement with the Village and the Applicant shall pay all associated costs.

VIOLATION

3.16 Every person who:

- .1 violates any of the provision of the Bylaw;
- .2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- .3 neglects or omits to do anything required under this Bylaw;
- .4 carries out, causes or permits to be carried out any subdivision or development in a manner prohibited by or contrary to any of the provisions of this Bylaw;

.5fails to comply with an order, direction or notice given under this Bylaw; or

.6prevents or obstructs or attempts to prevent or obstruct the authorized entry of an officer on property;

shall be deemed to be guilty upon summary conviction of an offence under this Bylaw.

OFFENCE

3.17Each day's continuance of an offence under Section 3.16 constitutes a new and distinct offence.

PENALTY

3.18Every person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$2,000 plus the cost of prosecution for each offence.

SECTION 4 - SERVICING REQUIREMENTS

REQUIREMENTS

4.1 As a condition of the approval of a subdivision or development, the Council requires that the owner of the land being subdivided or developed provide works and services in respect of the subdivision of land, as set out in Sections 4.2 to 4.8 below.

4.2 Highways

All highways created by plan of subdivision, including the widening of highways, shall:

- .1 comply with the dimensions, location, alignment and gradient requirements set out in Schedules A and B of this Bylaw; and;
- .2 be cleared, graded and surfaced in accordance with standards set out in Schedules A and B of this Bylaw.

4.3 Sidewalks, Curbs and Gutters

In subdivisions where highways are created, sidewalks and curbs and gutters shall be provided as required in Schedule A and constructed in accordance with the standards set out in Schedule C of this Bylaw.

4.4 Street Lighting

In subdivisions where highways are created, street lighting shall be provided as required in Schedule A and constructed in accordance with the standards set out in Schedule G of this Bylaw.

4.5 Electrical and Communications Wiring and Gas Distribution

Each parcel shall be provided with electrical and communications supply consistent with the standards set out in Schedule A and Schedule H of this Bylaw. Where cablevision and gas service are to be provided, such services shall be provided consistent with the standards set out in Schedule A and Schedule H of this Bylaw.

4.6 Water Distribution System

Each parcel shall be supplied with a complete water distribution system connected to a community water system as required in Schedule A, and all system components shall be installed in accordance with the standards set out in Schedule D of this Bylaw.

4.7 Sanitary Sewer

Each parcel shall be:

- .1 provided with a complete sewage collection system and connected to the community sewer system, or
- .2 provided with an on-site sewage disposal system;

as required in Schedule A of this Bylaw and all system components shall be installed in accordance with the standards set out in Schedule E of this Bylaw.

4.8 Drainage System

Each parcel shall be provided with a complete and fully operative drainage system as required in Schedule "A" of this Bylaw and constructed in accordance with the standards set out in Schedule F of this Bylaw.

4.9 Minimum Standards

The standards and specifications set out in this Bylaw are the minimum standards and shall be supplemented by the design engineer in accordance with generally accepted engineering practice in particular circumstances that warrant a higher standard.

Development Permit Area

If the subdivision is located within a Development Permit Area as set out in the Official Community Plan (see the OCP for a map of the area), then the Village may require additional works and services.

Servicing Requirements for Highways Abutting a Site Being Subdivided or Developed

Pursuant to Section 989(4) of the Municipal Act, Council may require as a condition of

- (a) the approval of a subdivision, or*
- (b) the issue of a building permit*

that the owner of the land provide works and services, in accordance with the standards prescribed in this bylaw, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the centre line of the highway.

Servicing Requirements for Developments Not Requiring Subdivision

Council may require as a condition of the issue of a building permit that the owner of the land provide, on the site being developed, works and services in accordance with the standards prescribed in this Bylaw.

SECTION 5 -FEES

FEES

5.1 Application Fees

An Applicant for subdivision approval shall submit with the application fee the following fees:

.1 Application Fees for Subdivisions Under the Land Title Act

A fee of Three Hundred (\$300.00) Dollars for the first parcel proposed to be created by subdivision and Fifty (\$50.00) Dollars for each addition parcel is payable to the Municipality.

.2 Application Fees for Subdivision Under the Condominium Act

A fee of Three Hundred (\$300.00) Dollars for the first bare land strata lot proposed to be created by subdivision and Fifty (\$50.00) Dollars for each additional bare land strata lot is payable to the Municipality.

5.2 Administration and Inspection Fees

An Applicant, prior to making application for Final Subdivision Approval, shall submit with the application the following fees:

.1 Charges for inspection of works in the amount equal to three percent (3%) of the Design Engineer's cost estimate approved by the Municipality for constructing utilities and roads required for the new subdivision, or a minimum of \$500.00, whichever is greater, plus the current Goods and Services Tax.

.2 The cost of connecting the work to the Village's drainage, sewage and water collection systems.

SECTION 6 - SCHEDULES

SCHEDULES

6.1 The following is a list of schedules attached hereto and forming part of this Bylaw:

SCHEDULE A -Level of Service

SCHEDULE B - Regulations, Standards, and Specifications For The Design and Construction of Highways

SCHEDULE C - Regulations, Standards, and Specifications For The Design and Construction of Curbs and Gutters, Sidewalks, and Boulevards

SCHEDULE D - Regulations, Standards, and Specifications For The Design and Installation of Water Systems

SCHEDULE E -Regulations, Standards, and Specifications For The Design and Construction of Sanitary Sewers

SCHEDULE F -Regulations, Standards, and Specifications For The Design and Installation of Drainage Systems

SCHEDULE G -Regulations, Standards, and Specifications For The Installation of Street Lighting

SCHEDULE H -Regulations, Standards, and Specifications For The Installation of Electrical and Communications Wiring and Gas Distribution System

SCHEDULE I -Standards for the Preparation of Engineering Drawings

6.2 The following is a list of standard forms that are provided for convenience only and do not form part of this Bylaw:

Standard Development Agreement Document Fee Simple Subdivisions

Standard Statutory Right-of-Way Document

Conformation of Commitment by Owner

Confirmation of Professional Assurance

SECTION 7 - ENACTMENT

Repeal of Previous Bylaw

1.Subdivision Control Bylaw Number 199, 1979 and all amendments thereto, is hereby repealed.

Read a FIRST time this day of, 1995.

Read a SECOND time this day of, 1995.

Read a THIRD time this day of, 1995.

RECONSIDERED AND FINALLY ADOPTED this ___ day of _____, 1995.

Mayor

Clerk

Certified to be a true and correct
copy of Bylaw No. ... cited as
Subdivision and Development Servicing
Bylaw No. .

Dated this ___ day of _____, 1995.