

HIGHWAY ACCESS BYLAW

Bylaw No. 1025 and amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaws for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>BYLAW NO.</u>	<u>ADOPTED</u>
1025	February 18, 1986
1174	December 1, 1987
1755	June 4, 1996

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

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Consolidated Copy - Bylaw No. 1025, and amendments

A Bylaw for the Protection of Highways and to Regulate the Means of Access To and From a Highway for Any Parcel of Land Abutting Thereon, Including the Location and Extent of Such Access.

The Municipal Council of The Corporation of the District of Pitt Meadows, in open meeting assembled, ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited for all purposes as the "**Pitt Meadows Highway Access Bylaw No. 1025. 1086**".

Definitions

2. In this Bylaw, unless the context otherwise requires:

"boulevard" means that portion of a highway between the curb lines or the lateral lines of a roadway or the shoulder thereof and the adjoining property line;

"boulevard crossing" means that portion of a boulevard constructed and improved for the purpose of providing access to and from a highway for any parcel of land abutting thereon;

"Director" means the person appointed by the Council as the Director of Engineering and Development Services and includes those persons authorized to act for the Director; (**Bylaw No. 1755**)

"roadway" means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder; and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

"sidewalk" means the area between the curb lines or later lines of a roadway and the adjacent property lines improved for use of pedestrians.

General Regulations

3. No person shall:
 - (a) dig up, break up or remove any part of a highway or cut down or remove trees or timber growing on a highway, or excavate in or under a highway;
 - (b) change the level of a highway whatsoever, or stop or impede the flow of water through any ditch, drain, sewer or culvert on or through a highway;

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General Regulations Cont'd.

- (c) place, construct or maintain a loading platform, or skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway;
- (d) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway;
- (e) ride, drive, lead, move or propel any animal or vehicle over or across a boulevard, including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing in conformity with the provisions of this Bylaw;
- (f) construct a boulevard crossing, including a curb, ditch or sidewalk crossing;
- (g) construct and maintain a boulevard on any highway;
- (h) plant any shade or ornamental trees, shrubs or bushes upon a highway without first obtaining a permit therefor.
- (i) close or alter an existing boulevard crossing. **(Bylaw No. 1174)**

Conditions of Permit

4. (1) The Director **(Bylaw No. 1755)** may issue a permit in the form prescribed in the Schedule to this Bylaw, to do any or all of those things otherwise prohibited by section 3 of this Bylaw, subject to the payment of an application fee of \$25.00 **(Bylaw No. 1755)** with each application thereof and subject to such other conditions contained in this Section as may be applicable to each such application.
- (2) As a prerequisite to the issuance of a permit under this section, the applicant thereof shall:
- (a) deposit with the Municipality, a sum of money or bond acceptable to the Municipality if the amount is greater than \$250.00 sufficient to pay for the cost of repairing any damage likely to be done to the highway and as sufficient security that the obligations imposed by the permit shall be fulfilled within the time specified by such permit.

The amount of each such deposit shall be not less than the cost of repairing such damage as estimated by the Director **(Bylaw No. 1755)** and with respect to permits for the crossing of boulevards and the construction of boulevard crossings shall not be less than \$100.00 for each such permit.
 - (b) provide satisfactory plans of the work to be undertaken and when supplied and approved by the Director **(Bylaw No. 1755)** and the necessary permit issued, the work shall conform in every way to the approved plans and to the specifications contained in the Subdivision Bylaw **(Bylaw No. 1755)**.
- (3) Where a deposit has been made in accordance with this Section, and upon satisfactory compliance with the permit within the time specified therein, the deposit will be refunded to the applicant, less, where applicable, an inspection

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fee of \$30.00 or the actual cost of administration and inspection, whichever is the greater.

- (4) Where completed work is to be taken over by the Municipality the applicant shall maintain such work for a period of one year from the date of inspection and acceptance thereof by the Director (**Bylaw No. 1755**).

A new permit and applicable security deposit shall be required for the maintenance period.

- (5) Where adjustments to completed works are required due to reconstruction of a highway during the maintenance period referred to in subsection (4) hereof, the person responsible for maintenance as shown on the permit shall pay all costs of such adjustments.
- (6) Each applicant for a permit under this section shall indemnify, protect and save harmless the Municipality from and against all claims, demands and lien claims of every kind arising out of or in any way connected with the work or other things for which the permit has been issued.
- (7) Failure by the permit holder to repair damage and/or fulfill such obligations as are set out in the permit within the time specified therein, shall result in the forfeiture of the deposit to the Municipality as liquidated damages.
- (8) The hereinbefore mentioned Schedule, annexed hereto, is hereby incorporated with and made part of this Bylaw.

Temporary Closure of Highway

5. The Director (**Section 1755**) is hereby authorized and empowered, at his discretion, to temporarily close a highway or any part thereof to traffic, or to control traffic thereon, during the time work is in progress.

Standard Boulevard Crossing

6. The means of access to and from every highway for every parcel of land abutting thereon, shall be provided by means of a standard boulevard crossing constructed in accordance with the specifications contained in the Subdivision Bylaw (**Bylaw No. 1674**), and the location and extent of each such access shall be decided by the Director (**Bylaw No. 1755**), whose decision shall be subject to appeal to the Council. The provisions of this section shall not apply to any parcel of land within any commercial zone or to any parcel of land zoned for commercial use.

Private Highway

7. Every owner of a private highway shall maintain the same in a clean, fit and safe state and shall affix suitable signs thereon indicating that such highway is a private thoroughfare, and access from every such highway to a Municipal highway shall be subject to the provisions of this Bylaw.

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Penalty for Infractions

8. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty of not less than Fifty Dollars (\$50.00) and not more than the maximum amount provided in the Offence Act and costs for every such violation, and a separate offence shall be deemed to be committed each day during or on which a violation occurs or continues.

Repeal

9. Bylaw No. 331, cited as "Pitt Meadows Highway Access Bylaw No. 331, 1959" and Bylaw No. 439, cited as "Harris Road Regulated Access Bylaw, 1968", are hereby repealed.

SCHEDULE

HIGHWAY USE PERMIT

Permit No. _____

File No. _____

Applicant's name and address: _____

Permission pursuant to Section 4 of "Pitt Meadows Highway Access Bylaw No. 1025, 1986" is hereby granted to the above named to:

and such works are hereby approved insofar as they relate to the use of a Municipal highway or part thereof requiring the permission of the Director (**Bylaw No. 1755**) in accordance with the "Pitt Meadows Highway Access Bylaw No. 1025, 1986". The said approval and permission to construct, use and maintain the said works, is however, at all times subject to the provisions of said Bylaw No. 1025 and to the following conditions:

1. That any necessary plans and specifications have been approved by and deposited with the Director (**Bylaw No. 1755**).
2. That the construction and maintenance of the said works shall be carried out to the satisfaction of the Director (**Bylaw No. 1755**).
3. That before opening up any highway or interfering with any public works, notice in writing of intention to do so shall be given to the Director (**Bylaw No. 1755**) not less than seven (7) clear days before any work is begun.
4. That the Director (**Bylaw No. 1755**) and any person appointed by him for the purpose of inspecting the said works, shall have free and uninterrupted access to all parts of the works at all times.
5. That the construction of the said works shall be commenced on or before _____
_____ and shall be proceeded with due diligence, to the satisfaction of the Director (**Bylaw No. 1755**), and shall be completed on or before _____.
6. That the permission hereby granted to construct, use and maintain the said works is subject to all provisions of and without prejudice to "Pitt Meadows Highway Access Bylaw No. 1025, 1986".
7. That this permission shall be effective only during such times as the said works are used and maintained by the applicant to the entire satisfaction of the Director (**Bylaw No. 1755**) and shall be subject to cancellation without notice if the applicant shall fail to observe and comply with all terms and conditions thereof.

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- 8. That this permit shall be valid only for the specific works and for that period of time stated herein.
- 9. That the Municipality will not be responsible for grade changes affecting boulevard crossings and accesses caused by the reconstruction of any Municipal highway.
- 10. That while reasonable care will be taken by the Municipality not to damage any private works while carrying out the construction or maintenance of any public works in any highway, it can accept no responsibility of any kind if damage to such private works does occur.

This Permit shall be effective on _____

I, hereby agree to all the terms of "Pitt Meadows Highway Access Bylaw No. 1025, 1986" and this permit and deposit herewith the sum of \$ _____ as security to guarantee that I shall fulfill all of the terms and conditions set out herein within the time specified in this Permit

AND I agree that in the event of my failure or neglect to complete the said works to the satisfaction of the Director (**Bylaw No. 1755**) within the time herein specified, or if I should fail or neglect to fulfill all the terms and conditions of "Pitt Meadows Highway Access Bylaw No. 1025, 1986" and this permit is canceled as the result thereof, that the Municipality may, without further notice to me or action in the courts, estreat the security deposit made herewith and retain the same to the use of the Municipality as liquidated damages.

AND I further agree that upon completion of the said works to the satisfaction of the Director (**Bylaw No. 1755**), pursuant to this permit, the Municipality shall have the authority to deduct from the security deposit made herewith the inspection fees prescribed by Section 4(3) of the said Bylaw No. 1025.

Signature of Applicant _____

WITNESS:

ISSUED BY THE DIRECTOR (**Bylaw No. 1755**) this _____ day of _____, 19____.

Director (**Bylaw No. 1755**)

Application fee (\$ _____)
Security Deposit (\$ _____)

Paid, Receipt No. _____
Received, Receipt No. _____