

Beaver Creek Improvement District

B-6038 BEAVER CREEK RD., PORT ALBERNI, B.C. V9Y 8X4
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BEAVER CREEK IMPROVEMENT DISTRICT SUBDIVISION WATER REGULATION BYLAW NO. 234

A Bylaw regulating the subdivision of land that is being proposed for connection to the improvement district's water system and to repeal Bylaw No. 226.

The Trustees of the Beaver Creek Improvement District ENACT as follows:

INTERPRETATION

1. In this bylaw:

- A "applicant" means the owner of land, or the authorized agent of the owner, who has submitted a completed application for the subdivision of land to which water may be supplied by the District.
- B "District" means the Beaver Creek Improvement District.
- C "subdivision" means a subdivision as defined in the *Land Title Act* or the *Strata Property Act*.
- D "standards" means the District's water system construction and design standards attached as Schedule "B" to this bylaw.
- E "District's system" means the water distribution system including all works owned and operated by the District.
- F "trustees" means the trustees for the District.
- G "works" means any structures, including pipes, and all attachments, fittings and facilities, for the storage, supply, conveyance, treatment and distribution of water.

OTHER ENACTMENTS

- 2. Nothing contained in this bylaw will relieve any person from responsibility for seeking out and complying with other enactments applicable to their undertaking.

GENERAL PROHIBITION

3. Land that is connected to the District's system, or is proposed for connection to the District's system, must not be subdivided contrary to this bylaw.

APPLICATION

4. A An owner of land who proposes to subdivide that land and wishes to connect one or more parcels to be created by the subdivision to the District's system must apply to the District delivering to the District:
 - (i) the form prescribed as Schedule "A" to this bylaw.
 - (ii) the plans and other information specified in Schedule "A", and
 - (iii) a subdivision application fee of \$1500.00.
- B Every application for subdivision of land that will create a parcel to be connected to the District's system must include a calculation of the peak fire flow demand during hourly water demand and pressure requirement for the ultimate development of the parcels and sufficient information, plans and drawings for the District to determine whether the proposed works comply with this bylaw.

GENERAL PROVISION

5. A The Board of Trustees may refuse to approve the proposed subdivision where:
 - (i) the proposed subdivision does not comply with the provisions of this bylaw and other applicable bylaws of the District;
 - (ii) one or more parcels to be created by the subdivision are to be connected to the District's system and the District has an insufficient water supply to provide such parcels with a supply of water or
- B For the purpose of A(i), the demand that would be placed on the District's system as a result of the proposed subdivision will be calculated having reference to the peak hourly water demand and fire flow pressure requirement for the ultimate development of the parcels or provided under subsection 4(B).
- C Despite subsection 5A, an application may be approved where the applicant provides the District with a reasonable proposal to increase the supply capacity of the District's system so that it is capable of providing the parcels to be created by the subdivision with a sufficient supply of water.

CONSTRUCTION OF WORKS WITHIN SUBDIVISION

6. A Subject to section 747.1(3) of the *Local Government Act*, an owner of land who proposes to subdivide the land must:
 - (i) provide, locate and construct a water distribution system within the subdivision and
 - (ii) connect the water distribution system to the District's system in accordance with the Master Municipal Construction Documents Platinum Edition (2009).
- B The cost of providing, locating and constructing the water distribution system and connecting the water distribution system to the District's system must be paid completely by the owner of land providing the works.
- C The costs referred to in subsection 6B include the cost of all permits, inspections, engineering costs and all other costs related to the proposed subdivision.

CONSTRUCTION OF WORKS IN ADJACENT HIGHWAYS

7. In addition to the requirements of section 6, the Board of Trustees of the District may also, by resolution, require that an owner of land provide works in accordance with the Master Municipal Construction Documents Platinum Edition (2009) Standards, on that portion of a highway immediately adjacent to the land being subdivided up to the centre line of the highway.

CONSTRUCTION OF EXTENDED SERVICES

8. Where the Board of Trustees requires that an owner of land provide excess or extended services under section 747.2 of the *Local Government Act*, the District will determine the proportion of the cost of the extended or excess service which will be borne by the applicant in accordance with the *Local Government Act* and any policy regarding latecomer charges approved by the Board of Trustees.

EXTENSION OF WORKS AND SERVICES

9. A All works required to be installed under section 6 must be installed along the full frontage of the land being subdivided unless the lands beyond the land being subdivided are incapable of further subdivision, as determined by the District.

- B For the purpose of subsection 9A lands are not incapable of further subdivision by reason only that an amendment to an enactment of a local government or the District would be necessary to permit further subdivision.

TRANSFER OF WORKS TO DISTRICT

10. A An owner of land who has installed works under this bylaw must:
- (i) transfer the works to the District, and
 - (ii) where any part of the works transferred to the District are located on lands owned by any person other than the District, provide a statutory right of way agreement on the District's standard terms for the works with priority over any financial encumbrances registered against the title to the land.
- B An owner who transfers works to the District must:
- (i) remedy all defects in the works for one year following the date of transfer; and
 - (ii) deposit with the District a clean irrevocable and unconditional letter of credit valid for at least one year from the date of the transfer in an amount not less than *ten percent* of the cost of the works as certified by the owner's design engineer, in a form acceptable to the District as security for the performance of the owner's obligations under subsection 10B(i).

COPIES OF PERMITS/APPROVALS

11. The owner required to install works under this bylaw must provide to the District a copy of the construction permit or approval letter for the works, issued by the Ministry of Health and any other approving Authority having jurisdiction such as Ministry of Transportation and Infrastructure, or Fisheries and Oceans Canada.

CONNECTION CHARGES PRIOR TO THE START OF CONSTRUCTION

12. No person may connect any parcel of land to the District's system without paying all applicable charges in accordance with the District's bylaws.

APPROVAL PERIOD

13. A Subject to changes in an enactment which may affect a subdivision, approval of a subdivision under this bylaw will be valid for a period of six months.
- B An approval under this bylaw must not be interpreted as limiting the function or authority of the Approving Officer under Section 8 of the *Land Title Act*.

VIOLATION

14. A person who does not act or suffers or permits any act to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which is required to be done by this bylaw, commits an offence.

PENALTY

15. A person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the *Offence Act*.

SEVERABILITY

16. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this bylaw with the remaining portions of the bylaw remaining valid and of full force and effect.

INSPECTION AND RIGHT OF ACCESS

17. A The trustees, or an officer or employee of the District may enter at all reasonable times upon land subject to this bylaw, to ascertain whether the provisions of the bylaw are being obeyed, provided that:
- (i) consent to inspect the land is obtained from the owner or occupier of the land or
 - (ii) where such consent has been refused, written notice of the intent to inspect is given to the owner or occupier no less than 24 hours prior to the time of inspection.
- B No person will obstruct or prevent a person referred to in subsection 17A from carrying out any of the provisions of this bylaw.

- C All inspections of works constructed pursuant to this bylaw **must** be completed by a District authorized professional engineer at the owner's expense.

- D The District's water technician will perform **all** water quality tests, pressure testing, flushing, or chlorination of the line extension portion of the works at the owner's expense.

REPEAL

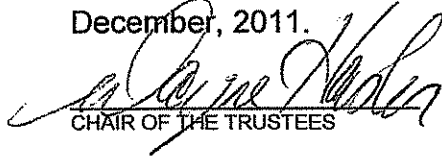
18. That Bylaw No. 226 passed by the Trustees on the 16th day of March, 2009 is hereby repealed.

CITATION

19. This bylaw may be cited as the "Subdivision Water Regulation Bylaw No. 234.

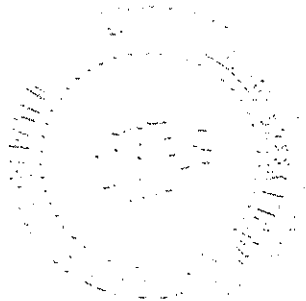
INTRODUCED and given first reading by the Trustees on the 19th day of December, 2011.


RECONSIDERED and finally passed by the Trustees on the 19th day of December, 2011.


CHAIR OF THE TRUSTEES

I hereby certify that this is a true copy of Bylaw No. 234.


Corporate & Financial Administrator



A true copy of By-Law No. 234
registered in the office of the Inspector
of Municipalities this 27th day of
January 20 12

Deputy Inspector of Municipalities

SCHEDULE "A"

Application for Water Service to Proposed Subdivision

PROPERTY ADDRESS(ES):

LEGAL DESCRIPTION OF PROPERTY(IES):

REGISTERED OWNER(S):

ADDRESS (Correspondence/calls) to be directed to:

Phone: _____ Fax: _____

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

1. Copy of Indefeasible Title(s), dated within 30 days of the date of application.
2. A letter of authorization if the applicant is not the owner.
3. Plan of proposed subdivision with dimensions clearly illustrating lot layout, roads, etc. to a scale of not less than 1:2000. Four copies are required.
4. The layout sketch plan, in metric, must be prepared by a consulting engineer, planner, or land surveyor and show the following:
 - the full legal description of the parcel(s) to be subdivided;
 - the dimensions and area of all proposed lots;
 - the arrangement of parcels and streets which will be created by the subdivision, including the widths of the proposed streets and alteration of lot lines or subdivision of any existing parcels;
 - the location of all existing buildings and structures on the property;
 - existing property lines and highways to be eliminated by the proposed subdivision;
 - the location of all natural features and watercourses;

- the relationship of the development of neighbouring parcels and highways;
- intended use of each parcel to be created by the subdivision;
- topographic information where land affected by the application is steep, irregular, or otherwise difficult to appraise in respect of the proposed development;
- a plan of the water system to service the subdivision designed in accordance with the Master Municipal Construction Document, Platinum Edition (2009) (see Schedule B).

5. An application fee of \$1500.00. Engineering fees are to be borne by the applicant for the initial engineering comments from the District's engineers relating to the impact of the proposed subdivision, existing water system and what works may be required.
6. Evidence of approval or authorization from other agencies involved in the subdivision process.

PLEASE NOTE THE FOLLOWING:

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement of District Bylaws related to subdivision. Personal information or business information submitted on this form is not considered to be supplied in confidence.

The District, and its duly appointed representative(s), are authorized to enter the property for inspection purposes.

PROPERTY OWNER(S) SIGNATURE(S):

OR

AUTHORIZED AGENT'S SIGNATURE:

Date of application: _____

Approved this _____ day of _____, _____

AUTHORIZED SIGNATURE

SCHEDULE "B"

Water System Construction and Design Standards

Are as per the "Master Municipal Construction Documents" Platinum Edition (2009)
