

# CITY OF PRINCE RUPERT

## SUBDIVISION AND DEVELOPMENT SERVICING STANDARD BYLAW NO. 3486, 2022

### A BYLAW REGULATING THE SERVICING OF SUBDIVISION AND DEVELOPMENTS

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**WHEREAS** the Local Government Act authorizes the City to establish standards for and to regulate and require the provision of works and services in respect of subdivision and development;

**AND WHEREAS** the City desires to guide development within its boundaries for the benefit of the community by ensuring that land is subdivided in a manner that is orderly, safe and efficient, and to offset City costs in providing utilities, works, and services related to subdivision and development,

**NOW THEREFORE** the Council of the City of Prince Rupert, in an open meeting assembled, enacts as follows:

#### 1. Title

- a) This Bylaw may be cited as the City of Prince Rupert Subdivision and Development Servicing Standards Bylaw No. 3486, 2022

#### 2. Interpretation

- a) In this bylaw:

**“Administrator”** means the person appointed by Council to administer this Bylaw or a person designated or retained by the City to act in his or her absence.

**“Applicant”** means the registered owner of land who applies to subdivide the land or for a building permit in relation to a proposed development, or a person duly authorized to represent the owner.

**“Approving Officer”** means the person appointed by Council under the Land Title Act as the approving officer for the City.

**“Building Inspector”** means a person designated by Council as the building inspector for the City.

**“Certificate of Completion”** means notice in writing issued by the City and signed by the Administrator or designate stating that all or a specified portion of the works have been completed.

**“Certificate of Substantial Completion”** means a certificate issued by the Consulting Engineer certifying that:

- i. works required under this Bylaw are completed to the extent that they are ready for use for their intended purpose; or
- ii. the total of any incomplete, defective or deficient work can be completed at an estimated cost of no more than 3 percent of the total value of the work.

**“Certificate of Final Acceptance”** means a certificate issued by the Administrator or designate confirming that no defects or deficiencies remain to be complete or corrected and the works are fully operative and have been constructed and function in accordance with this Bylaw and any Development Agreement between the owner and the City.

**“City”** means the City of Prince Rupert.

**“City Engineer”** means a person designated by Council as the Director of Operations or City Engineer for the City.

**“Community Sanitary Sewer System”** means a system owned, operated and maintained by the City for the collection, treatment and disposal of sanitary sewage.

**“Community Water System”** means a system of waterworks which is owned, operated and maintained by the City.

**“Consulting Engineer”** means a professional engineer, certified for practice in British Columbia, experienced in municipal engineering and land development, and who is retained by the Applicant to undertake the design, inspection, testing and record keeping for works.

**“Developer”** means the owner or agent of the owner of land in respect of which a subdivision or development application has been submitted to the City.

**“Development”** means the construction, alteration, repair or extension of a building or structure for which a building permit from the City is required.

**“Development Agreement”** means an agreement between the City and a developer, setting out servicing requirements, construction completion dates, fees and security to be provided by the Developer.

**“Final Approval”** means the approval of a subdivision by the Approving Officer when all relevant requirements of this Bylaw, the Land Title Act, the Local Government Act, Community Charter and any other relevant enactments have been fulfilled and when all conditions of preliminary approval have been fulfilled.

**“Legal Survey”** means a document prepared by a qualified B.C. Land Surveyor (ABCLS) showing where the building(s), structure(s), tree(s) and infrastructure are located on a property, showing the property’s boundary lines, together with the building footprint within those lines.

**“MMCD”** means the latest edition of the Master Municipal Construction Document (MMCD) Design Guideline Manual and the MMCD Construction Specifications

**“Owner”** has the same meaning as defined in the Land Title Act.

**“Parking Plan”** means a drawing illustrating the proposed off-street parking spaces including dimensions of the parking space and drive aisles. If parking spaces for persons with disabilities or small car spaces are proposed, they need to be clearly marked in the plan. A synopsis of the number of parking spaces must be included, and any variances from the zoning bylaw identified.

**“Parking Study”** means a report from a registered professional engineer that recommends a reduced number of parking spaces for a proposed development or a shared on-site parking for two or more uses within a proposed development. The report will analyze the proposed amount of parking in relation to the parking demand generated by proposed development and provide detail on any recommended transportation demand management measures.

**“Preliminary Layout Review”** means the written, conditional approval of a subdivision plan by the Approving Officer.

**“Professional Engineer”** means a person who is registered or duly licensed to practice in British Columbia under the Engineers and Geoscientists Act.

**“Public Utility”** means any community water system, sewer system, stormwater system, or other public infrastructure administered, operated, and/or maintained by the City of Prince Rupert.

**“Professional Geologist”** or **“Qualified Professional”** means a person who is registered or duly licensed.

**“Qualified Contractor”** means a professional with appropriate education, training and experience, fully insured and in good standing with the relevant association and includes, but not limited to, licenced builder, landscape architect, and an architect.

**“Right of Way”** means a document/agreement registered on title with the B.C. Land Title and Survey Authority in which a property owner permits the City or a public utility company such as BC Hydro or PNG, the right to use a portion of the owner’s property to install pipes, cables, etc. for the delivery of a particular service.

**“Security”** means a certified cheque or a clean, unconditional, irrevocable and automatically renewing letter of credit drawn on a chartered bank or credit union having a branch in the Province of British Columbia at which demand may be made on the letter of credit.

**“Statutory Right of Way”** means a right of way registered under section 218 of the Land Title Act.

**“Subdivision”** means a division of land into 2 or more parcels, whether by plan, apt descriptive words or otherwise.

**“Traffic Study”** means a report that outlines the impacts on existing and future traffic conditions resulting from the proposed developments, as well as on-site parking, loading, turning movements, and related matters, in accordance with the specifications provided by the City’s Engineering and Operations Department.

**“Works”** means any work, service or utility required to be designed, constructed and installed as a condition of subdivision or other development approval, and without limitation, includes highways, highway lighting, underground wiring and civil ductworks, curbs, gutters, sidewalks, boulevards, boulevard crossings, transit bays, landscaping, water supply and distribution, fire hydrants, collection and disposal of sewage and stormwater, and systems for controlling drainage, erosion and sediment related to construction of any of these.

**“Works Inspector”** means the Municipal employee authorized by the Director of Operations who shall, from time to time, make such inspections and tests of any work being carried out as he considers necessary and shall coordinate works being carried out within the municipality.

- b) This Bylaw is to be interpreted consistently with the Local Government Act, Land Title Act, Community Charter and other applicable enactments as the context and circumstances may require, and words and phrases in this Bylaw have the same meanings as in those Acts except as otherwise defined or described herein. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code or bylaw refers to that enactment as amended or replaced from time to time. Headings that appear in this Bylaw are for convenience only. Words in the singular include the plural and words in the plural include the singular. Reference to a person includes a corporation, partnership, or party and their personal or other legal representatives. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion is severed without effecting the remaining portions.
- c) The Master Municipal Construction Documents MMCD are endorsed as the City’s General Conditions, Standard Specifications, Design Guidelines, and Standard Detail Drawings and form part of this Bylaw.

### 3. Compliance

- a) A person must not subdivide or develop land within the City except in conformity with this Bylaw.
- b) Every Applicant must:
  - i. comply with all applicable provisions of this Bylaw and all other bylaws of the City as well as provincial and federal enactments; and

- ii. obtain any and all required consents and approvals of any government ministry, agency or regulatory authority having jurisdiction in respect to the proposed Development.
- c) No person shall construct a building or structure in the City for which a building permit is required unless any and all of the works required by this Bylaw have been provided by the Developer, or the Developer has entered into a Development Agreement with the City to construct and install the required works by a date specified in the agreement, and provided to the City security in the amount determined by the Director of Operations in consultation with the Administrator, having regard to the cost of installing and paying for the required works.

#### **4. Requirements for Subdivisions and Developments**

- a) The works required for a subdivision or development within the City include those works identified by the Approving Officer.
- b) Where works are required under this Bylaw, the applicant must engage a Professional Engineer to carry out all necessary field reviews and inspections during the construction of works required. The Professional Engineer must submit a 'letter of commitment by engineer' certifying that the works will be carried out in compliance with this Bylaw and the approved plans, drawings and supporting documents submitted in support of the development application.
- c) Every owner of land to be subdivided or developed must, at the owner's expense, provide and grant to the City, and register in the Land Title Office, such statutory rights of way over the land as are required by the Administrator or Approving Officer for the proper operation and maintenance of the works to be provided under this Bylaw.

#### **5. Application for Subdivision**

- a) Every application for a subdivision must be in writing and submitted to the Approving Officer in a form approved by the Approving Officer for such purpose, and must include, as applicable, the following information and documentation:
  - i. full legal description of the parcel proposed to be subdivided and all adjacent properties;
  - ii. sketch or survey plan of the parcel to be subdivided, showing the scale of the plan, the direction of North, and showing clearly the proposed method of subdivision;
  - iii. a statement as to the existing and intended uses of the subdivided lands;
  - iv. topographic survey including location of any watercourses, ravines, steep slopes, spot elevations; break point elevations;
  - v. location and dimensions of any existing structures on the property and adjoining properties and their setbacks from existing and proposed property lines;
  - vi. utility and other rights of way located and identified

- vii. the boundaries of each phase of development if the proposed subdivision is to be completed in phases
  - viii. the name and usual address of the Applicant and of the Owner if different from the Applicant;
  - ix. proof of ownership of the land proposed to be subdivided and if the Applicant is different from the owner, proof of authority to represent the owner;
  - x. a current copy of the Certificate of Title of the property proposed for subdivision;
  - xi. copies of all charges registered against the title of the property proposed for subdivision, including without limitation any and all covenants, rights of way, and easements;
  - xii. certificate that all taxes assessed on the subdivided land have been paid, and if local service taxes are payable by instalments, that all instalments owing at the date of the certificate have been paid;
- b) At the discretion of the Approving Officer an application for a subdivision may include, as applicable, the following information and documentation:
- i. a Legal Survey Plan showing that the parcels into which the land is subdivided can conveniently be further subdivided into smaller parcels;
  - ii. A geodetic survey identifying a contour interval of 2.0m, existing hydrological features, steep slopes (over 30%), and the geodetic elevations of the road(s) adjacent the property. For clarity, all geodetic elevations shall conform to the NAD82 Coordinates.
  - iii. profiles of every new highway shown on the plan and such topographical details as many indicate engineering problems to be dealt with in opening up the highways, including environmental impact or planning studies;
  - iv. copies of the approved development permit applicable to the development;
  - v. such other information, appearing in the City's Subdivision and Development Servicing Standards, as the Approving Officer may require in the circumstances;
  - vi. a report by a professional engineer, professional geologist, or geotechnical engineer with experience or training in geotechnical study and geohazard assessments:
    - 1. the effect on soil stability of disturbing natural grades or natural growth, or of changing the moisture content of the soil by developing, using or occupying land
    - 2. groundwater levels and conditions; and
    - 3. the risk and effects of flooding, mud flows, debris flows, debris torrents, erosion, land slip, rockfalls, or avalanche, or any combination of these
  - vii. A tree survey plan including a windthrow assessment, hazard assessment, and species at risk assessment.
- c) In considering a subdivision the Approving Officer may request that additional information be provided by a registered professional in regards to natural and or geotechnical hazards, both on-site and off-site, which may impact the subdivision (as noted in s.86 of the Land

Title Act). These may include but are not limited to: avalanche, debris torrent, earthquake, erosion, flooding, fire, rock fall, land slippage and unstable soils and tsunamis.

- d) The registered professional preparing the reports noted in Section 5. shall provide a statement in that report that the report in question may be relied upon by the City for the purpose of confirming the feasibility of the subdivision.
- e) An Applicant must pay all fees that apply to the application for subdivision. The Application Fee is \$500.00 for subdivision of the first Lot created and \$100.00 for every additional Lot created.
- f) The acceptance of a proposed subdivision for review by the Approving Officer must not be construed as either preliminary approval or final approval for the purposes of the Land Title Act.

## **6. Preliminary Layout Review, Final Approval and Acceptance**

- a) Preliminary layout review of a proposed subdivision is effective for a period of one year, following which time the subdivision application must be re-submitted along with all applicable fees
- b) The Approving Officer may accept or reject a preliminary review or proposal and shall advise the applicant in writing of the decision and include the reasons for rejection.
- c) Upon request by an Applicant, the Approving Officer may grant an extension of time for preliminary review where, in the Officer's opinion, there has been an unavoidable delay or other special circumstances exist that would justify the extension of time.
  - i. The Approving Officer may only grant one extension for a period of up to one year.
  - ii. Where an extension has been previously issued and expired a new application must be re-submitted along with all applicable fees
- d) Preliminary review of a proposed subdivision must not be construed as final approval of such subdivision for the purposes of the Land Title Act. The Approving Officer may revoke the preliminary review at any time.
- e) Final approval of a subdivision shall only be effective upon the signing of the subdivision plan by the Approving Officer.
- f) In applying for a Certificate of Final Acceptance of the works, the Applicant must include, as applicable or as required by the Approving Officer or Administrator:
  - i. Certificate of Completion;
  - ii. Record drawings;
  - iii. Service cards, in PDF, hard copy, AutoCAD drawing file and compatible DXF file;
  - iv. Copies of all permits and approvals from Provincial or other regulatory bodies;

- v. Copies of materials and quality control test reports;
  - vi. Copies of infrastructure test reports confirming compliance with standards established in this Bylaw;
  - vii. Copies of inspection reports including digital video of sanitary and storm sewers;
  - viii. Copies of approved shop drawings; and
  - ix. Operation and maintenance manuals.
- g) The record drawings package must be submitted within six (6) weeks of the completion of works and include the following:
- i. 2 sets of sealed paper prints;
  - ii. 1 set of AutoCAD files; and
  - iii. 1 set of digital Adobe (.pdf) files.

### **7. Subdivision or Development Abutting an Existing Road**

- a) In accordance with Section 506 (8) of the Local Government Act, as a condition of approval of a subdivision or a condition of a building permit for a development abutting an existing road, the developer must provide works in accordance with this Bylaw up to the centreline of the Highway.
- b) At the discretion of the Approving Officer, the developer may be required to pay the City the estimated cost of the required works as described herein to be held by the City in a reserve account for construction at a future date.

### **8. 10% Frontage Requirement**

- a) Council delegates to the Approving Officer, determination of highway (road) frontage requirements and exemption of conformance to the minimum 10% frontage to perimeter requirement prescribed under s. 512 of the Local Government Act.

### **9. Service Updates**

- a) If works are already in existence on or in a highway, lane or right-of-way adjacent to a parcel being subdivided or on which a building is proposed to be constructed, and the works do not comply with the standards specified in the MMCD, the Developer must take all steps necessary to bring the works into compliance with the MMCD standards, and all other provisions of this Bylaw. All requirements for servicing agreements and security as set out in this Bylaw shall apply for service upgrades.

### **10. Works and Services**

- a) Every Applicant for approval of a subdivision or building permit must provide works for such development on the land being developed and where required, on the highway adjacent to that land, in accordance with this Bylaw and without limitation, using MMCD Standards.



- b) Within the bounds of a proposed subdivision or other development, all works must be provided, designed, constructed and installed by the owner at the owner's cost, to the satisfaction of the Approving Officer, Works Inspector, Director of Operations or Building Inspector, as applicable.
- c) Every Applicant must submit a detailed landscape design with a cost estimate for the supply and installation of frontage (off-site) landscape works prepared by a landscape architect or other qualified person. Cost estimates shall include supply and installation.
  - i. If in the assessment of the Approving Officer, the landscape design cannot be accomplished without compromising sound arboricultural practices, due to the size or other characteristics of the frontage, the developer shall pay cash-in-lieu to the City in the amount of 75% of total cost estimate.
  - ii. Root barriers shall be installed for all trees that are planted adjacent to an existing or proposed sidewalk, road, lane, storm sewer, or driveway access point
- d) Every Owner of lands to be subdivided or developed must, at the Owner's sole cost:
  - i. provide works for that subdivision or development in accordance with applicable provisions of this Bylaw; and
  - ii. design, construct and install such works to the applicable MMCD standards and specifications prescribed in this Bylaw.

## **11. Standards and Specifications**

- a) Works required by this bylaw must:
  - i. be designed in accordance with MMCD and with sound engineering principles;
  - ii. where installed by a Developer, be designed by a professional engineer licensed to practice in the Province of British Columbia;
  - iii. extend through or along the full frontage of a parcel being subdivided or built upon under a building permit, in order to facilitate service to parcels or buildings beyond; and
  - iv. meet the requirements set out in the MMCD.
  - v. If the standards and specifications of other agencies having jurisdiction conflict with this bylaw, the more stringent standards and specifications shall apply.
  - vi. In the absence of a related guideline in this Bylaw, other manuals as specified by the Approving Officer, such as the latest edition of the Traffic Control Devices Manual, Transportation Association of Canada (TAC), shall apply.

## **12. Excess or Extended Services**

- a) The City may:
  - i. require a Developer to construct excess or extended services as defined in section 507 of the Local Government Act;
  - ii. determine whether the cost to the City to provide the excess or extended services would be excessive and, in that event, require the cost to be paid by the Developer;

- iii. determine the benefit of the excess or extended service that may be attributed to each of the parcels of land that will be served by the services; and
- iv. impose latecomer charges under section 508 of the Local Government Act, including interest on the costs of providing the excess or extended services, calculated annually at 4 percent from the date when the services were completed to the date that the parcel connection is made.

### **13. Engineer and Contractors**

- a) An Applicant must:
  - i. employ and retain a Consulting Engineer to undertake the design, inspection, testing, certification and record keeping for works related to a subdivision or development;
  - ii. engage qualified contractors to undertake construction and installation of works; and
  - iii. ensure that all contractors, sub-contractors and individuals responsible for aspects or components of works are insured appropriately and perform their work in accordance with this Bylaw and drawings approved by the Director of Operations, Administrator or designate.

### **14. Inspection Fee**

- a) An inspection fee for a subdivision is payable on issuance by the City for design approval or for a development, and on issuance of a building permit, and/or engineering permit. The Developer must pay the applicable inspection fees established by the Operations Department.

### **15. Park Land**

- a) The Approving Officer will determine whether, pursuant to section 510 of the Local Government Act, park land or a payment in lieu of land is to be provided by an Applicant as a condition of subdivision approval.

### **16. No Work Prior to Design Approval of Building Permit Issuance**

- a) No person shall commence construction of any works required or regulated by this Bylaw, whether on private property or on public road, unless:
  - i. for a subdivision, the person has first received approval by the Approving Officer of design drawings and written authorization to proceed; and
  - ii. for a development, the person has first been issued a building permit by the Building Inspector and the design record drawings have been approved by the Director of Operations, Administrator or designate.

### **17. Maintenance Security and Obligations**

- a) On construction completion and prior to subdivision or development final approval:

- i. Maintenance security shall be provided to the City in the amount of 5% of the constructed costs of works to be owned and operated by the City including but not specifically limited to roads, water, sanitary sewer, stormwater management and street lighting.
  - ii. Maintenance security will be retained by the City for a period of 1 year from the date of final completion as certified by the developer's engineer.
- b) The Owner, at the Owner's expense, must ensure that works provided under this Bylaw are properly maintained for a period of 1 year from the date that a Certificate of Completion is issued in respect of those works, or until a Certificate of Final Acceptance has been issued by the Works Inspector, Director of Operations, or Administrator, whichever period is longer.
- c) The Owner, at the Owner's expense, must repair, modify, replace or reconstruct the works if, in the opinion of the Works Inspector, Director of Operations, or Administrator, the works are in any way defective or non-compliant with this Bylaw.
- d) Any failure to maintain, repair, modify, replace or reconstruct may be remedied by an undertaking of the City at the direction of the Works Inspector, Director of Operations, or Administrator, who may draw upon the security provided in relation to remedying the defective or non-compliant condition.

## **18. Development Agreement**

- a) All works required under this Bylaw shall be constructed and installed by the Developer before the Approving Officer approves the subdivision or the Building Inspector issues final inspection certification. Alternatively, a developer may enter into a Development Agreement with the City. The Development Agreement must include:
  - i. provision of Security in the amount of 125% of the estimated costs of the required works as determined by the Consulting Engineer and as approved by the City;
  - ii. a specified completion date, after which the City may utilize the security to complete any uncompleted works; and
  - iii. maintenance security in accordance with item 17.
- b) Partial refunds of the security will be made based on the proportion of the works completed, inspected, and if required, tested all in accordance with certified, detailed progress reports submitted by the Consulting Engineer and approved by the Approving Officer. Partial refunds will not be made more frequently than once per month and will only be permitted to a maximum of 90 percent of the value of the works completed. Any costs incurred by the City that are recoverable from the Owner will be deducted from any partial refund regardless of whether the recoverable amount relates to the same works as the partial refund.

- c) Despite any other provision of this Bylaw, the Owner shall be responsible for the actual cost of the works, regardless of the adequacy of any security deposited with the City.

## **19. Damage to City Property**

- a) If, in the course of construction or installation of the works required under this Bylaw, or otherwise in relation to a subdivision or development, property owned or held by the City is damaged or destroyed as a result of such construction, installation or works or services, the owner must, at the Owner's sole expense, restore that property to the satisfaction of the Director of Operations.

## **20. Violation**

- a) Every person who:
  - i. violates any of the provisions of the Bylaw;
  - ii. causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw
  - iii. neglects or omits to do anything required under this Bylaw
  - iv. 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
  - v. fails to comply with an order, direction or notice given under this Bylaw; or
  - vi. prevents or obstructs or attempts to prevent or obstruct the authorized entry of City staff onto property,

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

## **21. Offence and Penalty**

- a) Every person who:
  - i. contravenes or violates any provision of this Bylaw
  - ii. causes, suffers or permits any act or thing to be done in contravention or violation of this Bylaw; or
  - iii. who neglects to do, or refrains from doing anything required to be done by any provision of this Bylaw,

commits an offence and, upon conviction, shall be liable to pay a fine of up to \$2,000 together with the cost of prosecution; and where the offence is a continuing one, each day the offence continues shall amount to a separate offence.

## **22. Supplementals**

- a) The latest edition of the Master Municipal Construction Document (MMCD) Design Guideline Manual and the MMCD Construction Specifications is a supplemental and form part of this bylaw.

**23. Severability**

- a) If any section, subsection, clause, sub clause, or phase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, it shall be severable from the remaining parts of this bylaw

**24. Repeal**

- a) The “City of Prince Rupert Subdivision Regulation Bylaw No. 2045, 1975” is hereby repealed.

*READ a first time this 7nd, day of Feb., 2022.*

*READ a second time this 7th, day of Feb., 2022.*

*READ a third time this 7th, day of Feb., 2022.*

*ADOPTED this 28rd day of Feb., 2022.*

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**Mayor**

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**Corporate Administrator**