

THE TOWN OF SMITHERS  
SUBDIVISION SERVICING  
BYLAW NO. 747, 1991

Prepared By  
Stanley Associates Engineering Ltd.  
Prince George, BC  
December, 1991

The Town of Smithers  
SUBDIVISION SERVICING BYLAW NO. \_\_\_\_\_, 1991

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**WHEREAS** the Council of The Town of Smithers wishes to adopt a Bylaw to regulate and require the provision of services in respect to subdivision of land pursuant to Section 625, 998, 989, 990, 991 and 995 of the Municipal Act;

**AND WHEREAS** the Council of The Town of Smithers 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 Town of Smithers, in open meeting duly assembled, **ENACTS AS FOLLOWS:**

**1.0 TITLE**

This Bylaw may be cited as "The Town of Smithers Subdivision Servicing Bylaw No. \_\_\_\_\_, 1991". Text and figures enclosed by brackets (---) are included for information only and do not form part of this Bylaw.

**2.0 REPEAL**

The "Subdivision Bylaw of The Town of Smithers No. 468", and all amendments thereto, is hereby repealed.

**3.0 DEFINITIONS**

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 under Section 77 of the Land Titles Act as an Approving Officer for The Town of Smithers.

**"BUILDING INSPECTOR"** means a person appointed as a Building Inspector for The Town of Smithers.

**"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 Town of Smithers.

"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 or the consolidation of 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 in the Zoning Bylaw of the Town of Smithers, and amendments thereto.

All words or 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".

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**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 Town of Smithers where works and services are to be provided because of subdivision of land; or
- b) The Building Inspector of The Town of Smithers 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 such 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**

- 1. (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.)

- 2. (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

(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.)

5.1 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.

5.2 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 and forms part of this bylaw.

5.3 Water

In all subdivisions and developments where a water distribution system and fire hydrant system is required or, where no community water system is required and each newly created parcel is to be provided with a source of potable water, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw.

5.4 Effluent Disposal

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

5.5 Drainage

In all subdivisions and developments where a drainage collection system or a drainage disposal system is required, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw.

5.6 Streetlighting

In all subdivisions and developments where a streetlighting system is required, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and form part of this Bylaw.

5.7 Underground Wiring

In all subdivisions and developments where underground wiring is required, each shall be located, constructed and otherwise meet the standards found in Schedules "A" and "B" which are attached to and forms part of this Bylaw.

5.8 Overhead Wiring and Natural Gas

1. Overhead wiring may be considered at the discretion of the Approving Officer for some subdivisions; 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 form part of this Bylaw.

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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.

#### 5.9 Subdivisions Where Servicing Requirements May be Waived

Notwithstanding the above, the servicing requirements prescribed in Schedule "B" of this Bylaw may be waived where the parcel created is to be used solely for the unattended equipment necessary for the operation of:

- a) a community water system;
- b) a community sewer system;
- c) a community gas distribution system;
- d) a community radio or television receiving antenna;
- e) a radio or television broadcasting antenna;
- f) a telecommunication relay station;
- g) an automatic telephone exchange;
- h) an air or marine navigational aid;
- i) electrical substations or generating stations, or
- j) any other similar public service or quasi-public service facility or utility.

#### 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 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

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- b) where all works and services required to be constructed and installed at the expense of the developer pursuant to Section 989(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 (\$25.00) Dollars for the first parcel created by subdivision and Ten (\$10.00) 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 OVERSIZING OF WORKS**

- 8.1** Where oversizing of works as defined in Section 990 of the Municipal Act are required, the interest rate on charges paid by "latecomers" shall be in accordance with the "Excess or Extended Services Interest Rate Bylaw" of the Town of Smithers.

**9.0 BYLAW SCHEDULES**

- 9.1** 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

- 9.2** 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 Forms and Agreements

Appendix "C" - Administrative Provisions

10.0

ADOPTION

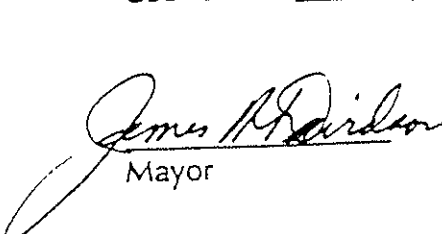
READ A FIRST TIME this 3 day of March, 1992

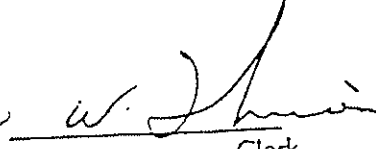
READ A SECOND TIME this 21 day of April, 1992

READ A THIRD TIME this 21 day of April, 1992

Reconsidered, Finally Passed and Adopted by

Council this 8 day of May, 1992.

  
Mayor

  
Clerk