



HIGHWAY ACCESS BYLAW

1705-1987

THE FOLLOWING DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "District of Mission Highway Access Bylaw 1705-1987" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
1866-1989	June 5, 1989	Schedule 'A'
1918-1989	August 8, 1989	Schedule 'A', item 2
2147-1990	May 7, 1990	Schedule 'A', item 2
2389-1991	November 4, 1991	Schedule 'A', Section 2
2524-1992	November 16, 1992	Schedule 'A', items 1 and 2
2701-1993	December 13, 1993	Schedule 'A', Section 2
2825-1994	December 5, 1994	Schedule 'A', Section 2
2854-1995-1705(8)	March 6, 1995	Schedule 'A', Section 1
2927-1995-1705(9)	November 20, 1995	Schedule 'A'
3010-1996-1705(10)	December 16, 1996	Schedule 'A', item 2
3113-1997-1705(11)	December 1, 1997	Schedule 'A', Sections 1 and 2
3183-1998-1705(12)	December 21, 1998	Schedule 'A', Sections 1 and 2
3678-2004-1705(13)	February 2, 2004	Schedule "C" and Section 6
3954-2006 (a general fees & charges amending bylaw)	December 18, 2006	Schedule 'A'
3967-2007-1705(14)	April 2, 2007	Schedule 'A'
4030-2007 (a general fees & charges amending bylaw)	December 17, 2007	Schedule 'A'
5070-2009 (a general fees & charges amending bylaw)	December 14, 2009	Schedule 'A'
5188-2010 (a general fees & charges amending bylaw)	December 20, 2010	Schedule 'A'
5257-2011 (a general fees & charges amending bylaw)	December 12, 2011	Schedule 'A'
5318-2012 (a general fees & charges amending bylaw)	November 5, 2012	Schedule 'A'
5487-2015-4029(11) (a general fees and charges amending bylaw)	March 16, 2015	Schedule 'A'
5531-2015 (a general fees and charges amending bylaw)	December 7, 2015	Schedule 'A'

Individual copies of any of the above bylaws are available from the Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF MISSION

BYLAW 1705-1987

A bylaw to regulate the construction and location
of access driveways to
and from a highway for adjacent land

WHEREAS the Council is empowered to regulate with respect to highways and drainage, including access to and from highways;

NOW THEREFORE, the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "District of Mission Highway Access Bylaw No. 1705-1987".

2. The Corporation of the District of Mission Highway Access Bylaw No. 576-1961 and all amendments thereto are hereby repealed.

3. In this bylaw:

"access driveway" means any road, lane, driveway, curb crossing, sidewalk crossing, or bridge improved or modified for vehicular traffic located on a highway or any portion thereof and which connects the traveled portion of the highway to the private property abutting the highway, and includes any structural, drainage or other facilities necessary to accommodate the access driveway;

"construct" includes locate, install, alter, remove and replace;

"Council" means the Municipal Council of the District of Mission;

"District" means the District of Mission;

"highway" includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings, and approaches and any other public way for the use of vehicles or pedestrians, but does not include an easement on private property or an arterial highway as defined in the *Highway Act* or any other highway the access to which is not controlled by the District;

"owner" means the owner as defined in the Municipal Act, of the land to which an access driveway is appurtenant;

4. No person shall construct or cause to be constructed any access driveway unless he has obtained and holds a valid and subsisting Access Driveway Permit issued by the Municipal Engineer.

5. Every application for an Access Driveway Permit shall:

a) be signed by the owner of the land to which the access driveway is appurtenant or his agent;

b) state:

- (i) the legal description and civic address of the parcel of the land to which the access driveway is appurtenant;
- (ii) the full name, address and telephone number of the owner, and where an agent applies on behalf of the owner, the name, address and telephone number of the agent, and his status; and
- (iii) the address to which any notices to the owner or his agent may be mailed or delivered;

c) be accompanied by sketches, in duplicate, drawn to scale, in metric, as follows:

- (i) a sketch showing the property line of the land to which the access driveway is appurtenant, location and width of the proposed and any existing access driveway, the travelled portion of the highway and any existing drainage system; and
- (ii) a profile sketch showing existing and proposed grades and elevations of the proposed and any existing access driveway, the highway and any existing drainage system,

each providing sufficient information and detail to show that the proposed work will conform to this and other applicable bylaws;

- d) where applicable, be accompanied by the plans required under section 10;
- e) be accompanied by the applicable fees as set out in Schedule "A" hereto, and any applicable security deposit;
- f) where access is via a bridge or other similar structure, be accompanied by the executed Section 215 Covenant required under section 19; and
- g) be delivered to the Municipal Engineer.

3678-2004-1705(13) 6. The Municipal Engineer may refuse to issue an Access Driveway Permit where:

- a) he considers that the location of the proposed access driveway to a property is unsafe or will endanger or impair the use of the adjacent highway because of the design or location of the access, or having regard to the volume and nature of traffic likely to use the proposed access to and from the property, provided that access to the property is available elsewhere along the adjacent highway or from an adjacent lane or via a secondary highway, or
- b) if the proposed access is to a highway listed on Schedule "C" hereto, whether municipal or provincial, and access to the property is available from an adjacent lane or via a secondary highway."

7. No person shall construct or cause to be constructed an access driveway which, in the opinion of the Municipal Engineer, will obstruct, impair or interfere with the flow or operation of any drainage system except in accordance with this bylaw.
8. Where in the opinion of the Municipal Engineer, the construction of an access driveway may obstruct, impair or interfere with a drainage system, the owner, in his application for an Access Driveway Permit, shall request the construction of a culvert or other work which may include a bridge (hereinafter called the "other work"), considered necessary by the Municipal Engineer to maintain proper drainage.
9. Where, in the opinion of the Municipal Engineer, a culvert up to and including 600 mm in diameter is considered necessary, the culvert shall be constructed by the District, at the expense of the owner.
10.
 1. Where, in the opinion of the Municipal Engineer, a culvert over 600 mm in diameter or any other work is necessary, the culvert or other work may, at the option of the District, be constructed by the owner, or by the District at the owner's expense.
 2. Where the owner is to construct the culvert or other work, the owner shall:
 - (a) submit with his application for an Access Driveway Permit detailed plans of the culvert or other work, prepared by a professional engineer for approval by the Municipal Engineer, and the security deposit required under section 15;
 - (b) after completion of construction of the culvert or other work, call the District for inspection of the completed culvert or other work, and shall not bury or cover up the culvert or other work or complete the access driveway until the construction of the culvert or other work has been approved by the Municipal Engineer.
11. The costs to the owner of the construction of the culvert or other work referred to in sections 9 and 10 shall be those set out in Schedule "A" hereto.
12. Where, in the opinion of the Municipal Engineer, no culvert or other work is necessary to maintain proper drainage or highway functions, the owner shall carry out the construction of the access driveway at his own expense.
13. Whether the owner or the District constructs the culvert or other work, the owner shall, at his own expense, construct the access driveway itself, in accordance with the standards and specifications set out in Schedule "B" hereto.
14. In the construction of an access driveway, a culvert or any other work, the owner shall comply with all applicable enactments of the District and any other government or authority having jurisdiction, including obtaining any required approvals or permits.

15. As security for the due and proper construction of the culvert or other work by the owner or, where the culvert or other work is to be constructed by the District, as security for the payment therefor, the owner shall, prior to the issuance of the Access Driveway Permit, deposit with the District security in a form satisfactory to the District, in an amount equal to the cost of constructing the culvert or other work, as estimated by the owner's engineer and approved by the Municipal Engineer, or where the culvert or other work is to be constructed by the District, by the Municipal Engineer (the "security deposit").
16. If the culvert or other work is not duly and properly completed by the owner or, where the culvert or other work is constructed by the District, the District has not been paid for doing so, within six months after the date of the issuance of the Access Driveway Permit, the District may draw upon the security deposit and may complete the culvert or other work at the cost of the owner or may recover its cost of constructing the culvert or other work, and the balance of the security deposit, less any administration costs incurred by the District, shall be returned to the owner. If the security deposit is insufficient to cover the actual cost of completing the culvert or other work, then the owner shall pay such deficiency to the District immediately upon receipt of the District's bill for same.

If the owner does not pay, the District may recover the deficiency, with interest at the rate of twelve (12%) percent per annum, with costs in the same manner as municipal taxes. It is understood that the District may do such work either by itself or by contractors employed by the District. If the culvert or other work is completed by the owner as provided in this bylaw, then the security deposit shall be returned to the owner.

17. Where a culvert or other work is constructed by an owner, the owner shall submit or cause to be submitted to the District the final as-built drawings of the culvert or other work as constructed and in a form acceptable to the Municipal Engineer, within thirty days after the completion of the construction of the culvert or other work. The security deposit will not be returned to the owner until after this condition has been satisfied.
18. The owner shall maintain any access driveway, including any bridge or other similar structure, constructed pursuant to this bylaw except for any culvert associated with the access driveway.
19. Where access is via a bridge or other similar structure, the owner shall, prior to obtaining an Access Driveway Permit, execute a covenant under Section 215 of the Land Title Act in favour of the District, which covenant shall be registered in priority to all financial charges against the land to which the access driveway is appurtenance, in which he shall:
 1. covenant and agree to maintain and keep in good repair the access driveway, including the bridge or other similar structure; and
 2. save harmless and effectually indemnify the District against:
 - a) all actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought,
 - b) all expenses and costs which may be incurred which result from damage to any property owned in whole or in part by the District or

which the District by duty or custom is obliged, directly or indirectly, in any way or to any degree, to construct, repair or maintain, and

- c) all expenses and costs which may be incurred by reason of liens for nonpayment of labour or materials, Workers' Compensation, unemployment insurance, Federal or Provincial tax, check-off or encroachments owing to mistakes in survey,

arising out of the granting of an Access Driveway Permit or by reason of the construction, existence or use of the access driveway including any culvert or other work associated with the access driveway.

- 20. The owner shall do or cause to be done, at his expense, all acts reasonably necessary to grant priority to the above covenant over all charges and encumbrances which may have been registered against the title to the lands described in the Access Driveway Permit in the New Westminster Land Title Office save and except those specifically approved in writing by the District or in favour of the District.
- 21. The Municipal Engineer or the Building Inspector may enter on the land to which the access driveway is appurtenant at any reasonable time for the purpose of determining whether the owner is complying with the provisions of this bylaw or a permit issued hereunder
- 22. If the owner constructs or causes to be constructed an access driveway without first obtaining and holding a valid and subsisting Access Driveway Permit, the District may notify the owner in writing to remove the access driveway and to restore the highway to its condition before the construction of the access driveway within fourteen (14) days of receipt of the notice, and in default of removal and restoration by the owner, the District may, by its employees or others, perform the removal and restoration at the expense of the owner. The owner shall pay the District immediately upon receipt of the District's bill for the removal and restoration work. If the owner does not pay, the District may recover the expense, with interest at the rate of six (6%) percent per annum, with costs in the same manner as municipal taxes.
- 23. Every person who contravenes or violates any of the provisions of this bylaw or any permit issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or any permit issued pursuant hereto, or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this bylaw or any permit issued pursuant hereto, commits an offence and, upon summary conviction, is liable to a fine of not less than \$100.00 and not more than the maximum fine provided by the Offence Act and, where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

24. If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

READ A FIRST TIME the 17th day of August, 1987.

READ A SECOND TIME the 17th day of August, 1987.

READ A THIRD TIME the 17th day of August, 1987.

RECONSIDERED, AND FINALLY ADOPTED this 8th day of September, 1987.

DISTRICT OF MISSION
 HIGHWAY ACCESS BYLAW 1705-1987

SCHEDULE "A"

Amended by: 2147-1990, 2389-1991, 2524-1992, 2701-1993, 2825-1994, 2854-1995-1705(8), 2927-1995-1705(9), 3010-1996-1705(10), 3313-1997-1705(11), 3183-1998-1705(12), 3954-2006, 3967-2007-1705(14), 4030-2007, 5070-2009, 5188-2010, 5318-2012, 5531-2015

FEES

	Effective April 1, 2015
1. (i) Permit and inspection fee	\$110.00
(ii) Roads inspection fee charges for inspections performed outside regular working hours	The cost of time and materials to provide the service
2. (i) The administration fee for the initial building permit application for access shall be:	\$50.00
(ii) The administration fee to complete the building permit application for access shall be: (a total of \$252.00 [effective January 1, 2016])	\$202.00
3. Standard culvert, up to and including 600 mm in diameter where culvert is installed by the District (includes design, engineering, materials, equipment, labour and other associated costs)	
(a) Access Culvert Installation up to 600 mm in diameter and 9.0 metres in length.	The cost of time and materials to provide the service
(b) Access Culvert Installation per metre surcharge where culvert exceeds 9.0 metres in length:	
• 300mm diameter	The cost of time and materials to provide the service
• 450mm diameter	
• 600mm diameter	
4. Culvert over 600 mm in diameter or other work as required by the Municipal Engineer including design, engineering, materials, equipment, labour and other associated costs.	The cost of time and materials to provide the service

DISTRICT OF MISSION

HIGHWAY ACCESS BYLAW 1705-1987

SCHEDULE "B"

STANDARDS AND SPECIFICATIONS

1. 1. The traveled portion of an access driveway shall not be less than 4.0 metres wide;
2. At the point of crossing a drainage ditch, no access driveway shall be less than 5.5 metres wide or such greater width as is considered necessary by the Municipal Engineer for the purpose of safety or protection of the drainage system, such width to be measured along the centerline of the drainage ditch.
2. The surface of the access driveway shall be graded at a negative 4% grade to the centreline of the drainage ditch and at a plus 2% grade from the centreline of the ditch to the property line. In no case shall the elevation at the property line be less than 150 mm above the centreline of the travelled portion of the highway.
3. Where a culvert is required, two headwalls shall be included in the culvert construction. Headwalls shall be constructed to a minimum of 150 mm above the top of culvert.
4. Access culverts shall be 9.0 metres in length. The pipe material may be either galvanized corrugated steel, minimum 16 gauge or concrete pipe as specified in the Subdivision Control Bylaw No. 1500-1985, Section 2.3 of the specifications. Pipe construction shall be in accordance with the provisions of the Subdivision Control Bylaw No. 1500-1985, Section 2.1 of the specifications.

DISTRICT OF MISSION
HIGHWAY ACCESS BYLAW 1705-1987
SCHEDULE "C"

Amended by: 3678-2004-1705 (13)

The Municipal Engineer may refuse a driveway access to the following municipal streets subject to the provisions of Section 6 (b) of this Bylaw.

7th Avenue between Wren Street and Stave Lake Street

14th Avenue between Grand Street and Cade Barr Street

Cade Barr Street between 14th Avenue and Dewdney Trunk Road

Cedar Street and the Cedar Valley Connector between Lougheed Highway and Dewdney Trunk Road

Cherry Avenue between Stave Lake Street and Tyler Street

Dewdney Trunk Road between Lougheed Highway and Cedar Street

Grand Street between 1st Avenue and 14th Avenue

Stave Lake Street between Lougheed Highway and the District of Mission boundary

Wren Street and Tyler Street between Lougheed Highway and Clay Street

DISTRICT OF MISSION HIGHWAY

ACCESS BYLAW NO. 1705-1987

NO. _____

ACCESS DRIVEWAY PERMIT APPLICATION

I/We, _____, of _____
(Name)

_____, _____,
(Address) (Telephone)

as owner, or as agent for _____,
(Owner)

of _____,
(Address)

_____, hereby apply for an Access Highway Permit
(Telephone)

(or a Temporary Access Highway Permit) for the construction of an

access driveway from _____
(Civic Address)

which is legally described as:

District of Mission _____

Parcel Identifier: _____

Enclosed with this application are:

1. Sketches and plans, in duplicate, as follows:

_____ i) a sketch showing the property line of the land to which the access driveway is appurtenant, the location and width of the proposed and any existing access driveway, the travelled portion of the highway and any existing drainage system;

_____ ii) a profile sketch showing existing and proposed grades and elevations of the proposed and any existing access driveway, the highway and any existing drainage system;

_____ iii) plans of the culvert or other work prepared by

P.Eng., on the _____ day of _____

2. Permit and inspection fee in the amount of \$_____;

3. Costs of construction of culvert or other work, in the amount of \$_____;

4. Security deposit in the form of:

Cash,

Letter of Credit, or

Other (specify) _____,

in the amount of \$_____, and

5. where access is via a bridge or similar structure, covenant under Section 215 of the Land Title Act.

I/We hereby request the construction of a culvert of other work which may include a bridge, considered necessary by the Municipal Engineer to maintain proper drainage.

I/We hereby authorize the Municipal Engineer or the Building Inspector to enter on the lands described above at any reasonable time for the purpose of determining whether the owner is complying with the terms of the District's bylaws and any Access Driveway Permit which may be issued subsequent to this application.

I/We hereby save harmless and effectually indemnify the District against:

- a) all actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought,
- b) all expenses and costs which may be incurred which result from damage to any property owned in whole or in part by the District or which the District by duty or custom is obliged, directly or indirectly, in any way or to any degree, to construct, repair or maintain, and
- c) all expenses and costs which may be incurred by reason of liens for nonpayment of labour or materials, workers' compensation, unemployment insurance, Federal or Provincial tax, check-off or encroachments owing to mistakes in survey,

arising out of the granting of an Access Driveway Permit or by reason of the construction, existence or use of the access driveway including any culvert or other work associated with the access driveway.

Any notice required to be sent to the owner shall be sent to:

I/We hereby certify the above information to be true and correct and agree to comply with and be responsible for ensuring the access driveway complies with the District's bylaws and any Access Driveway Permit which may be issued subsequent to this application.

OWNER

AGENT

APPROVED BY THE MUNICIPAL ENGINEER

DATE: _____

LOCATION: _____

SKETCHES: _____

PLANS: _____

COVENANT (where applicable) _____

PERMIT: _____

Permit issued the _____ day of _____, _____, subject to the following conditions:

1. No changes shall be made to approved sketches and plans unless such changes have been noted on the sketches and plans and the Access Driveway Permit by the Municipal Engineer.
2. The Municipal Engineer must be informed and a request for inspection made:
 - on completion of culvert or other work, before it is buried or covered up.

MUNICIPAL ENGINEER