

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 92-047

A BYLAW OF THE CORPORATION OF THE DISTRICT OF SUMMERLAND TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION OF DRIVEWAYS AND ACCESSSES TO AND FROM A HIGHWAY FOR ADJACENT LAND

CONSOLIDATED FOR CONVENIENCE TO INCLUDE: Bylaw No. 99-043 and Bylaw No. 94-047

WHEREAS, the Council of the Corporation of the District of Summerland deems it necessary to establish regulations for the construction of driveways and driveway accesses to and from a highway for adjacent land.

NOW THEREFORE, the Municipal Council of the Corporation of the District of Summerland in OPEN MEETING ASSEMBLED, enacts as follows:

1. No person shall construct a driveway or a driveway access to an adjoining public highway prior to receiving approval from the Municipality. Written application shall be submitted to the Development Services Department of the Municipality on the prescribed form shown as "Schedule "A" attached hereto.
2. Driveway access roads shall comply with the following regulations:
[Amended by Bylaw No. 94-047]
 - a. DRIVEWAY ACCESS ROADS 45 METRES (150 ft.) OR LESS IN LENGTH
 - Minimum road width shall be 3.6 metres (12 ft.);
 - Maximum road grade shall not exceed 20% for single lots;
 - Maximum road grade shall not exceed 20% for accesses where more than one lot is served, and the minimum width is 5 metres (16 feet);
 - Minimum road surface shall be compacted all-weather gravel surface;
 - Where a driveway involves an elevation difference in excess of 0.3

metres, such driveway access road shall comply with the standards and regulations shown on Schedule "B" attached hereto;

b. DRIVEWAY ACCESS ROADS GREATER THAN 45 METRES (150ft.) IN LENGTH

- Minimum road width shall be 5 metres (16 ft.);
- Minimum road surface shall be compacted all-weather gravel surface;
- Where a driveway involves an elevation difference in excess of 0.3 metres, such driveway access road shall comply with the standards and regulations shown on Schedule "B" attached hereto.
- Maximum driveway grade shall not exceed 12%;

3. No person shall construct a driveway in such a manner that it will reduce the clearance from the finished road surface to the underground or overhead utility services. The following clearances must be maintained:

- Overhead Utility Services:
 - Electrical cables.....4.5 metres
 - Communication cables.....4.3 metres
- Underground Utility Services:
 - Electrical cables (ducts).....900 mm
 - Telephone cables (ducts).....600 mm

Any costs incurred to maintain the above clearances will be the responsibility of the Property Owner constructing the driveway access.

4. In cases where a lot existed prior to the adoption of this Bylaw, and the driveway access cannot meet the maximum grade requirements, a driveway access permit may be issued if the property's registered owner agrees to execute and register a Restrictive Covenant and Indemnity against the title of the property. The Indemnity would include a Release of claims by the owner and an indemnity against any other claims that may be brought against the Municipality to gain access for emergency response and fire protection. This Restrictive Covenant would run with the land and bind all subsequent property owners.

5. No person shall permit surface water to run off mud or debris onto a highway during heavy storms or rainfalls from unpaved driveways. Persons that permit surface water to run off their driveways onto a highway so to obstruct, damage or foul such highway will be charged the cost of clearing the mud or obstruction from the highway and repairing the damage to the highway.

6. No person shall permit or allow to permit the placing of any concrete or asphalt on any public highway to connect their driveway to the highway without first obtaining permission from the municipality.
7. The Municipality may as a condition of issuing a Driveway Access Permit, require the owner to supply the Municipality with a Performance Bond or Letter of Credit as a guarantee such driveway access will be constructed in accordance with the Permit.

The Municipality may as a condition of issuing a Driveway Access Permit, require the owner to supply and install an approved catch basin, drywell, both, or a combination of both, on the property for the purposes of intercepting surface run-off from the owner's property. *[Amended by Bylaw No. 99-043]*
8. Every person who violates any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00.

This Bylaw shall be cited as the "**Summerland Driveway Access Bylaw Number 92-047**".

READ A FIRST, SECOND AND THIRD TIMES, by the Municipal Council of the Corporation of the District of Summerland, this 13th day of October, 1992.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council of the Corporation of the District of Summerland this 26th day of October, 1992.

Mayor

Clerk

SCHEDULE "A"

BYLAW NUMBER 92-047

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

APPLICATION FOR PERMIT COVERING ACCESS TO A PUBLIC HIGHWAY

I hereby apply for permission to construct, use, and maintain access works within the right-of-way of a public highway in accordance with the particulars, plan, and specifications submitted herewith. I understand the submission of this form constitutes an application only and the works may not be commenced unless and until a permit is received. (In the case of an access already installed, but not covered by a highway access permit, this application is still required in order to authorize use of same.)

The full legal description of the property to be served is:

LOT_____BLOCK_____D.L._____PLAN_____

Name of Highway:_____Street Address:_____

I request access at_____locations, as shown on the accompanying plan.

The intended land use is_____

The access is required for a period of: () Indefinitely;
() _____Yrs.

I, We, are the registered owner or lessee of the above described property.

(Signature) Date:_____

Name & Mailing Address:_____

Telephone #_____



INFORMATION REQUIRED ON PLAN : <ul style="list-style-type: none">- STREET NAMES- LOT FRONTAGE DIMENSIONS- DRIVEWAY LOCATION & DIMENSIONS- SLOPE OF DRIVEWAY- PROPOSED HOUSE LOCATION- EXISTING STRUCTURES, POLES, HYDRANT, ETC.	DISTRICT OF SUMMERLAND HIGHWAY ACCESS PERMIT	DATE
	OWNER STREET ADDRESS	LOT PLAN

THE MINIMUM INFORMATION

REQUIRED WITH APPLICATION FOR A HIGHWAY ACCESS PERMIT

SCHEDULE "A"

①

GIVE A FULL DESCRIPTION OF THE PROPERTY.

②

QUOTE SPEED LIMIT.

③

INCLUDE A NORTH ARROW.

④

SHOW DISTANCE FROM NEW ENTRANCE TO NEAREST SIDE ROAD OR EDGE OF PROPERTY.

⑨

SHOW DISTANCE TO THE NEAREST TOWN OR ROAD JUNCTION.

⑧

GIVE SIDE ROADS THEIR FULL NAMES AND WIDTHS.

⑦

SHOW DIMENSIONS AND AREA OF PARCEL.

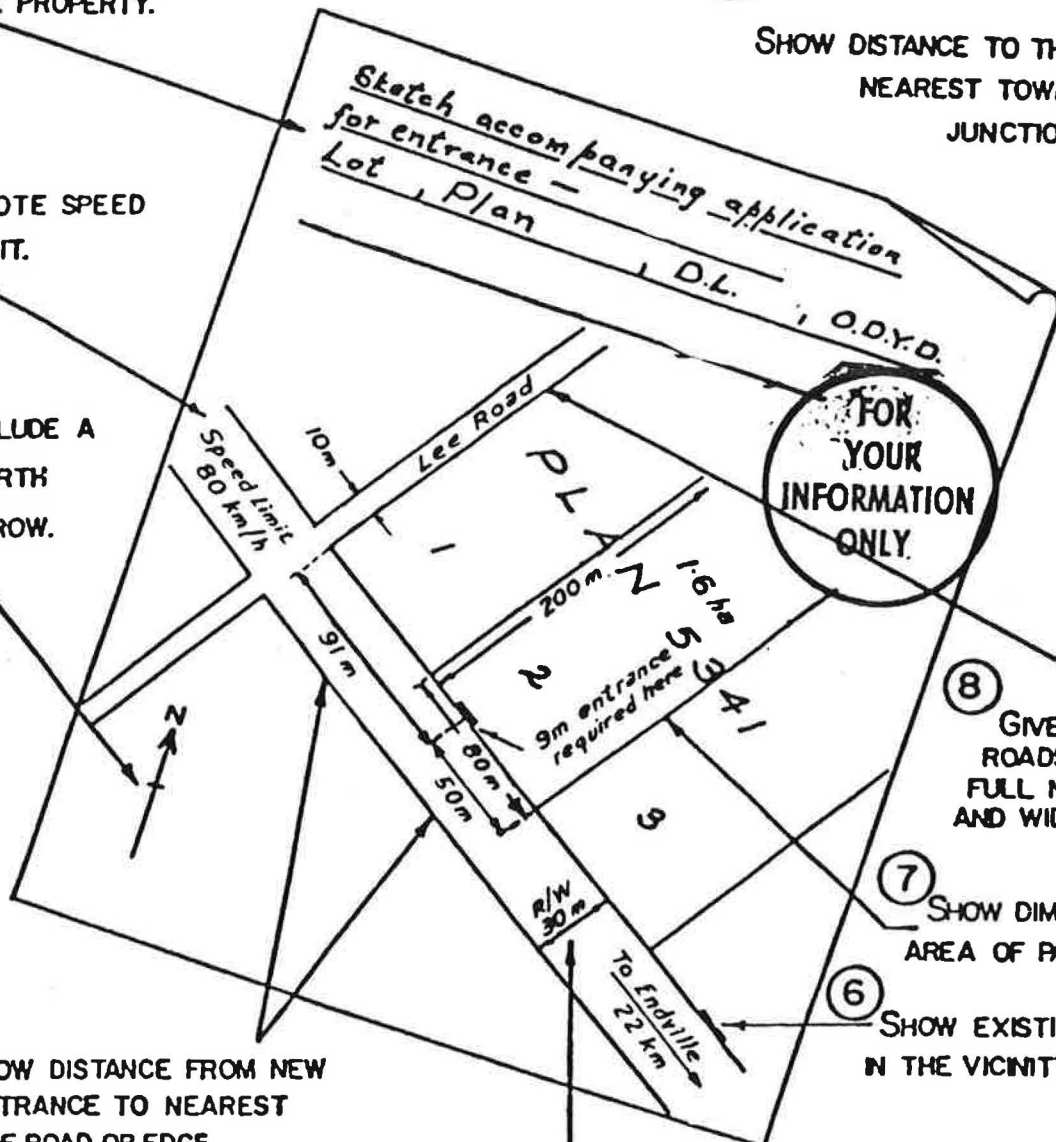
⑥

SHOW EXISTING ENTRANCES IN THE VICINITY.

⑤

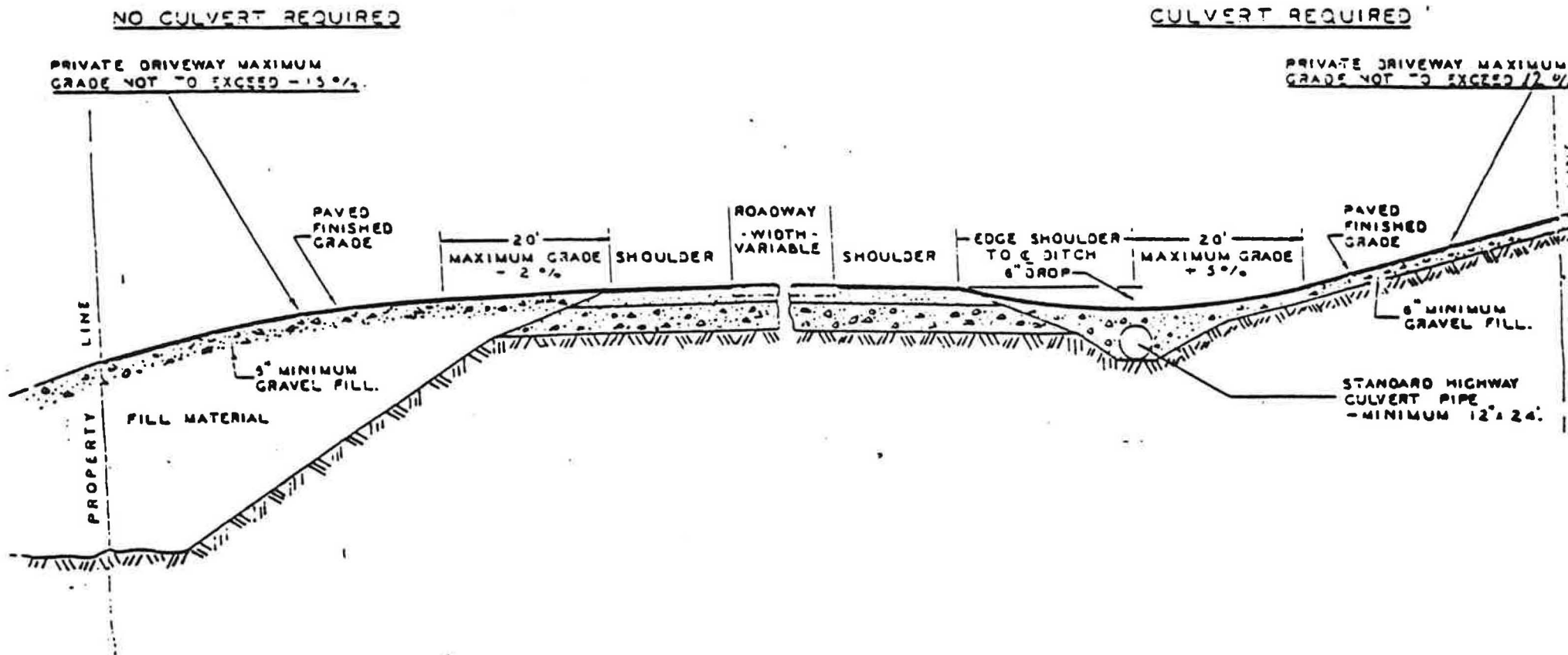
STATE WIDTH OF RIGHT-OF-WAY.

PLEASE MARK THE POSITION OF PROPOSED ENTRANCE WITH STAKES FOR EASIER IDENTIFICATION.



SCHEDULE "A"

SPECIFICATIONS
FOR
CONSTRUCTION AND/OR PAVING
OF
ACCESSSES



SCHEDULE "A"

LOT

PLAN

O.L.

LOT

PLAN

O.L.

proper location
of access &
driveway

min. 5.0 m.

PROPERTY
LINE

TRAVELLED PORTION OF ROAD

PROPERTY
LINE

FOR
YOUR
INFORMATION
ONLY

LOT

PLAN

O.L.

LOT

PLAN

O.L.

1. Show power and telephone poles, meter boxes, etc., that have a bearing on the proposed access.
2. Show distance to centre of access from a lot corner.
3. Do not extend driveway beyond projection of your property line.
4. Submission of an application, lacking clarity and minimum information, will cause delay due to necessity of time-consuming correspondence.

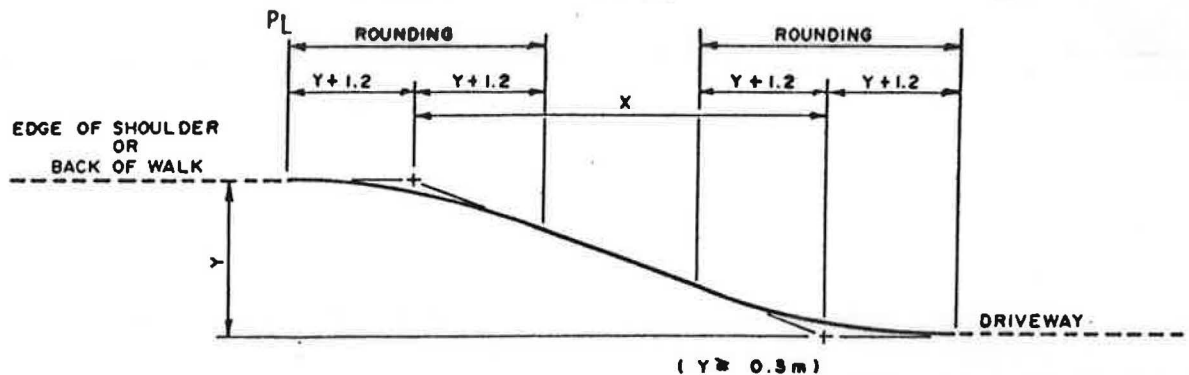
SCHEDULE "B"

BY-LAW NUMBER 92-047

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

DRIVEWAY ACCESS ROAD REGULATIONS AND STANDARDS

Where a driveway access road involves an elevation difference in excess of 0.3 metres, the following profile can be used to define the maximum grade and vertical curvature:



$$X = 5Y + 1.2\text{m.}$$

$$\% \text{ grade} = Y \div X$$

NOTE: Profile may be used for both positive or negative grades by reversing driveway road location.

-Surface water from driveway must be contained on-site, unless otherwise approved in writing by the Municipality.

-Driveway access roads must have a minimum of 10.25m centre line radius on all curves and corners along the road;

-Where access to the property is controlled by the use of gate(s) such gate is to be approved by the Fire Chief prior to installation.

-Turn around facilities are to be provided for any dead-end road.

SCHEDULE "C"
BYLAW NUMBER 92-047
THE CORPORATION OF THE DISTRICT OF SUMMERLAND

**PERMISSION TO CONSTRUCT, USE AND MAINTAIN A DRIVEWAY AND ACCESS
TO AND FROM A PUBLIC HIGHWAY**

The works comprising the construction and maintenance of a driveway and access as outlined on the attached application for permit is hereby approved insofar as they relate to the use of the public highway right of way, interference with Municipal utilities, or other matter under the jurisdiction of the District of Summerland, and permission to construct, use, maintain and operate the said works is hereby granted to:

PROPERTY OWNER: _____

LEGAL DESCRIPTION: _____

CIVIC ADDRESS: _____

The said approval and permission to construct, use, maintain the said works is, however, at all times subject to the following conditions:

1. The construction and maintenance of the said works is carried out to the satisfaction of the Municipal Engineer/Technician and in accordance with the Application for Permit as submitted or revised by the Engineer/Technician.

2. This permission is contingent upon the following land use: one single family dwelling, or _____; Any change in land use shall render this permission void.

3. This permission is granted only to the person or corporation named above, and any change in ownership to the property renders this permit void.

4. Final Approval will be issued upon satisfactory completion of the construction of the Driveway and Access.

5. _____

Preliminary Approval granted this ____ day of _____, 199__.

ENGINEER/TECHNICIAN

Final Approval granted this ____ day of _____, 199__.

ENGINEER/TECHNICIAN