

Bowen Island Municipality

“Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005”

CONSOLIDATED FOR CONVENIENCE – July 2024

<u>Amendment Bylaw</u>	<u>Date of Adoption</u>
Bylaw No. 172, 2006	February 27, 2006
Bylaw No. 469, 2018	May 13, 2019
Bylaw No. 475, 2018	February 19, 2019
Bylaw No. 517, 2020	September 28, 2020
Bylaw No. 531, 2020	December 14, 2020
Bylaw No. 629, 2023	May 13, 2024

The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject

BOWEN ISLAND MUNICIPALITY

BYLAW No. 133, 2005

A bylaw to Regulate Traffic and the Use of Streets in Bowen Island Municipality

The COUNCIL of Bowen Island Municipality in open meeting assembled, ENACTS THE FOLLOWING:

DEFINITIONS

1. The following terms, whenever used in this bylaw, or in any resolution of the Council dealing with traffic or parking matters, shall have the meanings respectively ascribed to them in this section unless the context otherwise requires.

“angle parking” means the parking of a vehicle other than parallel to a curb or lateral lines of the roadway.

“boulevard” means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks, ditches and improved and unimproved grounds.

“bus” means a motor vehicle designed to carry more than ten (10) persons, used for public or student transportation.

“combination of vehicles” means a combination of motor vehicle and trailer, motor vehicle and semi-trailer, or motor vehicle, semi-trailer and trailer.

“commercial loading zone” means an area or space on a roadway established for the loading or unloading of materials, to be used exclusively by commercial vehicles.

“commercial property” means any property that is designated by Bowen Island Municipality Land Use Bylaw No. 57, 2002 as a property within the boundaries of a Comprehensive Development 1, a Village Commercial, a Water Commercial, or a Water Civic Zone.

“commercial vehicle” means a vehicle engaged in carrying goods, wares, merchandise or other commodities in the ordinary course of a business undertaking.

“crossing” means any crossing of a boulevard provided or to be provided to afford vehicular access from a street to land abutting thereon.

“cross-hatched area” means any area of a highway that has been identified by the application a series of painted diagonal lines that cross one another.

“crosswalk” means any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface, or in the absence of curbs, from the edges of the roadway;

“debris” means rubbish, leaves, broken glass and other waste.

“driveway” means an access for vehicles constructed from the edge of the street pavement or if the street is developed to urban standards, from the back of the curb or sidewalk to the property line of the lot fronting on the street.

“driveway width” shall mean the width of the driveway as measured perpendicular to the direction of travel upon such driveway.

“emergency vehicle” means any vehicle of the Fire Department, Royal Canadian Mounted Police (RCMP), and any Provincial licensed ambulance, and such vehicles of the armed forces or public utility vehicles as are designated as emergency vehicles by the RCMP.

“encroachment” means anything placed, constructed or erected on the ground (excluding municipal improvement required and owned by the Municipality or other public utilities and infrastructure), that extends on, over or under Municipal Lands.

“encroachment, invasive” means an Encroachment that impedes the public’s general use of municipal land. Examples includes fences, buildings, and retaining walls over 0.6 metres in height.

“encroachment, non-invasive” means an Encroachment that does not impede the public’s general use of the municipal land. Examples include private utilities buried under Municipal Land, or retaining walls under 0.6 metres in height.

“event” means any event, activity or gathering that takes place in a public place.

“hatched area” means any area of a highway that has been identified by the application of a series of painted parallel, diagonal lines.

“heavy truck” means a motor vehicle exceeding 11,800 kg licenced gross vehicle weight (LGVW).

“Highway” includes every highway within the meaning of the Transportation Act, and every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited.

“intersection” means the area embraced within the prolongation of the lateral property lines of streets that join one another, whether such streets at the junction cross each other or merely meet at an angle without crossing each other.

“landscaped boulevard” means that portion of the boulevard that has been improved with sod, plants, etc.

“lane” means any highway not more than 10.5 metres in width.

“licensed gross vehicle weight” means the gross weight for which a commercial vehicle is licensed as defined in the *Commercial Transport Act*, as amended from time to time.

“loading zone” means the area of space on a roadway established for the loading or unloading of materials or passengers.

“motor vehicle” means the same as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, C. 318.

“Municipality” means the Bowen Island Municipality.

“park” when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading.

“peace officer” means a person who is a constable of the Royal Canadian Mounted Police.

“pedestrian” means a person afoot, or a disabled person in a wheelchair or child in a carriage.

“permit” means a document in writing issued pursuant to this bylaw.

“person” includes any corporation, partnership, firm or association.

“property line” when used in this bylaw, or in any resolution passed pursuant thereto, means the dividing line between any private property and the adjoining street.

“public place” means the streets, highways, parks, public squares, beaches, foreshore, and all other lands that are under the control of the municipality.

“Public Works Superintendent” means the person who is the head of the Public Works Department, or in their absence the Chief Administrative Officer, or other duly appointed representative.

“right-of-way” means the privilege of the immediate use of the roadway.

“roadway” means the portion of the highway that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder; and where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

“semi-trailer” means a vehicle, other than a trailer, which is drawn by a motor vehicle and which is so constructed that some part of its weight and some part of the weight of its load rests upon, or is carried by the towing vehicle.

“sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.

“sidewalk crossing” means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic.

“slope” or **“driveway slope”**, as measured in percent of grade, means the vertical rise dimension divided by the horizontal length dimension over a set distance, measured along the direction of travel of the driveway.

“stop” means the coming to rest or cessation of movement of a vehicle.

“stopping” when prohibited means the coming to rest or the state of being at rest of a vehicle.

“street” includes public roadway, lane and sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property.

“street furniture” shall include waste receptacles, benches, bus shelters, traffic signs or any similar artificial work, structure or equipment and whether or not the same are owned by the Municipality.

“through street” means any street or portion of street designated by the Public Works Superintendent as a through street at which vehicles shall stop before entering thereon.

“traffic” includes pedestrians, ridden or herded animals, vehicles, bicycles and other conveyances, either singly or together, while using a street for purposes of travel.

“traffic control device” means a sign, signal, line, meter, marking, space, barrier, or device, not inconsistent with this Part, placed or erected by authority of the Council of the Municipality or person duly authorized by the Council of the Municipality to exercise such authority.

“traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.

“trailer” means every vehicle with or without motive power designed for carrying person or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

“truck” means a vehicle exceeding 5,500 kg licensed gross vehicle weight (LGVW) used on a highway which is a commercial vehicle defined as such by and licensed under the *Commercial Transport Act*, as amended from time to time, and a vehicle not so licensed but which is used for the collection or delivery, or both, of merchandise or other commodity course of a business undertaking. Excluded from this definition are Bowen Island Municipality vehicles.

“vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle (as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, C. 318).

PART I - TRAFFIC CONTROL

Exercise of Authority

2. Pursuant to the authority vested in the Council by Section 124 of the *“Motor Vehicle Act”*, R.S.B.C. 1996, C. 318 as amended, the Public Works Superintendent is hereby authorized to exercise the following powers of the Municipality:
 - a. by providing for the placing, erection and maintenance of traffic control devices to give effect to the provisions of this bylaw and the *“Motor Vehicle Act”* and for such purpose to make orders in respect of those matters in this Section contained, and to rescind, revoke, amend, or vary any conditions prescribed by this bylaw;
 - b. by providing for the regulation, control, or prohibition of pedestrian traffic, ridden or herded animals, vehicular traffic, and traffic by other conveyances, either singly or together, on sidewalks, walkways, or boulevards or in or on lanes or ways separating the rear property lines of parcels of land fronting on highways;
 - c. by providing for the regulation, control, or prohibition of stopping, standing, or parking of vehicles within the Municipality;
 - d. by providing for the setting apart and allotting of portions of highways adjacent to any federal, provincial, or municipal public building for the exclusive use of officials and officers engaged herein for the parking of vehicles, and the regulation of such parking;
 - e. by providing for the establishment and use of loading, commercial, and passenger zones within the Municipality and for the designation thereof;
 - f. by providing in respect of any highway in a municipality for the regulation of the width, length, and height of vehicles and the width, length, height, fastenings, and distribution of loads on vehicles driven or operated on any such highway;
 - g. by providing that on any highway where construction, reconstruction, widening, repair, marking, or other work is being carried out, traffic control devices shall be erected or placed indicating that men or equipment are working upon the highway;
 - h. by providing that on any highway where construction, reconstruction widening, repair, marking, or other work is being carried out, traffic control devices shall be erected or placed to regulate or prohibit traffic in the vicinity of such work;
 - i. by providing for the regulation, control, and prohibition of erection or maintenance, or both, of signs, advertisements, or guideposts on or over any highway, and for the alteration, repainting, tearing down, or removal of any sign, advertisement, or guide posts erected or maintained on or over any such highway without compensation to any person for loss or damage resulting from the alteration, repainting, tearing down, or removal;
 - j. by providing for the regulation or prohibition of pedestrian traffic on highways other than at crosswalks;
 - k. by providing for the prohibition of pedestrian traffic in an unmarked crosswalk designated by a traffic control device;
 - l. by providing for the establishment of school crossings within the Municipality and for the regulation and control of pedestrian and vehicular traffic with respect to such crossings;
 - m. by providing for the establishment and use of taxi stands within the Municipality and the designation thereof;
 - n. by providing for the regulation and control of processions on highways within the Municipality.

Loading Zones

3. No driver of any vehicle shall stop such vehicle in any loading zone except for the purpose of active loading or unloading of passengers or materials.

Ferry Line-Up

4.
 - a. All ferry traffic must enter the ferry line-up behind the last vehicle in the ferry line or in the first open space closest to the ferry dock;
 - i. In the case where there are two lanes of the ferry line-up, ferry traffic must line-up in the shorter lane where traffic is closer to the ferry dock;
 - b. All vehicles must pull up within 0.6 metres of the vehicle next ahead in the ferry line-up or at the start of a cross-hatched area;
 - i. When parking at the start of a cross-hatched area, no portion of the vehicle may cover the cross-hatched area;
 - c. All vehicles must only enter the ferry line-up for the purpose of waiting to board the next available sailing notwithstanding Section 17;

Limitations on “U” or Reverse Turning

5. No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction:
 - a. on any through street, except as permitted by resolution of Council;
 - b. within an intersection at any corner of which a “Stop” sign has been placed, or where a traffic control signal has been installed;
 - c. at any other intersection unless such movement can be made in safety, without backing, and without interfering with other traffic;
 - d. on any street between intersecting streets;
 - e. at any lane intersection.

Driving on Streets Laned for Traffic

6. The Public Works Superintendent is hereby authorized to mark distinguishing single or double lines on any street, which lines may or may not be in the centre of the travelled portion of the street.

7. Where traffic signs are located, established or maintained on any street indicating that the rate of speed of all vehicles is regulated or fixed on any such street in any zone, place or area indicated by the location of such signs, no person shall drive such a vehicle at a greater rate of speed than that shown on the sign, provided however, that wherever such signs are displayed indicating that the zone, place or area is in the vicinity of a school, such restriction of speed shall be applicable between the hours of eight o'clock in the morning and five o'clock in the afternoon of any day on which school is regularly held; and whenever such signs are displayed indicating that the zone, place or area is in the vicinity of a playground, such restriction of speed shall be applicable between dawn and dusk. For the purpose of this section where numerals alone are prominently displayed on any signs, the maximum speed allowed in the zone shall be that number of kilometres per hour indicated by such numerals.

Stop when Traffic Obstructed

8. No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indicating to proceed.

Firemen May Direct Traffic in Vicinity of Fire

9. Any officer or member of the Fire Department may, while in the course of duty in or about any fire, or in order to expedite traffic and safeguard pedestrians, direct traffic on any street in the vicinity of any fire. No person shall fail to comply with the direction of any such officer or member of such Fire Department.

Stopping and Parking

10. No person shall stop, stand or park a vehicle:
- a. in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted;
 - b. where buses stop for passengers;
 - c. or move a vehicle from one location to another in the same area to avoid time limit regulations;
 - d. in a manner that obstructs the visibility of a standard traffic sign erected by or with the authority of a municipality;
 - e. so as to impede or obstruct traffic;
 - f. other than parallel to a curb or roadway, except where angle parking is expressly permitted;
 - g. other than facing in the direction of traffic;
 - h. other than in the manner indicated for angle or parallel parking;
 - i. on a crosswalk,
 - j. on a hatched or cross-hatched area.
 - k. in an intersection;
 - l. and/or trailer over 6 metres in length in an angle-parking zone;
 - m. in a Fire Lane;

- n. within 1.5 metres of a fire hydrant/fire standpipe;
 - o. in a lane leaving less than 3 metres clearance;
 - p. on a street for the principle purpose of greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency;
 - q. within 6 metres either side of the entrance to or exit from a fire hall, police station or ambulance station;
 - r. on the paved portion of a roadway;
 - s. in front or within 1 metre of a public or private driveway;
 - t. within 3 metres of an intersection;
 - u. within 3 metres of the approach side of a crosswalk;
 - v. within 3 metres on the approach to any stop sign or traffic control signal located at the side of a roadway.
11. No person shall park a trailer, semi-trailer or commercial vehicle on any street abutting lands used for business or commercial purposes for more than 3 hours except where such vehicle is parked in front of lands owned or occupied by the driver of such vehicle or his employer without displaying a permit.
 12. No person shall park a trailer, semi-trailer or commercial vehicle on any street abutting lands used for park, church, school or residential purposes, except with the consent of the owner or occupier of such lands.
 13. No person shall park a trailer, semi-trailer or commercial vehicle having a gross vehicle weight exceeding 4,536 kg on any street between the hours of 10:00 p.m. and 6:00 a.m.
 14. No person shall park a trailer or semi-trailer with its motive power unattached.
 15. No vehicle, trailer or semi-trailer that is not licensed in accordance with the *Motor Vehicle Act* and related Provincial legislation and regulations may be parked on a roadway, boulevard or sidewalk.
 16. No licensed vehicle, trailer or semi-trailer shall be parked on a roadway, boulevard, or sidewalk exceeding 72 hours without displaying a permit.
 17. No person shall park overnight in the ferry lane.
 18. No person shall stop in the ferry lane other than to wait for the next available ferry.

PART II - USE OF STREETS

19. No person shall place or permit to be placed any signage, merchandise, chattel, wares or other objects on any street, sidewalk or boulevard for the purpose of sale or display for the purpose of sale of any such merchandise, chattels, wares or other objects, without first obtaining written approval from the Public Works Superintendent. Such application shall be submitted in writing. The Public Works Superintendent will grant such approval subject to his review of, but not limited to, health and safety issues, conflicts with other uses, aesthetics, impact on neighbouring properties, and conflicts with future road infrastructure.
20. No person shall delay the passage of vehicles, or cause any obstruction in or upon a street.

21. The owner of every parcel of commercial property shall remove all snow, ice, or debris from any sidewalk bordering such parcel of land prior to the earlier of, the end of the first hour of business operation, or 10:00 a.m.
22. No person shall coast, slide or use roller skates, skateboards, sleighs, skates, skis or similar means of conveyance on any highway unless the highway is closed to vehicular traffic.
23. No person shall ride, drive or propel any vehicle over or across any curb unless such curb has been lowered or otherwise constructed for such purpose.
24. No person shall operate, stand or park any vehicle upon a highway for the purpose of displaying advertising.
25. Every person who shall place any object or make any excavation for any purpose adjoining or adjacent to any street within the Municipality, shall build and maintain a good and sufficient fence or other barrier marked with warning lights along the line of such street so as to effectively guard such excavation or object, and protect persons and vehicles travelling along such street against danger, risk or accident by reason of such excavation or object.

Access to Residential and Commercial Zoned Property from a Street

26. Where a property is situated adjacent to more than one road allowance, only one driveway access may be constructed to the lot. In issuing the required driveway access permit, the Public Works Superintendent will indicate the approved access location subject to his review of, but not limited to, health and safety issues, conflicts with other uses, aesthetics, impact on neighbouring properties, and conflicts with future road infrastructure. Where a lot fronts on a non-arterial street and backs on a lane, access may be permitted from both the street and the lane.
27. No more than one driveway per single-family residence shall be permitted unless provided for in this bylaw and approved by the Public Works Superintendent. In reviewing requests for more than one driveway access, the Public Works Superintendent shall consider at least the following: health and safety issues, conflicts with other uses, aesthetics, impact on neighbouring properties, and conflicts with future road infrastructure.
28. No driveway shall be located within 7.5 m of the corner of a property situated at the intersection of two highways, or at a 90 degree bend in a highway. Where there is little potential for the adjacent streets to be built to ultimate widths, this setback may be reduced by the Public Works Superintendent to 7.5 m from the edge of travel portion of the highway.
29. No person shall construct a driveway from private property to the edge of roadway without a permit from the Public Works Superintendent. Maximum driveway slope between the property line and the off-street parking area shall be 20%, or as stipulated by the Driveway Access Permit. The slope of the driveway within the boulevard shall slope from the property line to the edge of street at a minimum of 2%, or as stipulated by the Driveway Access Permit.
30. No structure such as a retaining wall, planter, plant or other obstacle to traffic or pedestrian movement shall be placed within 2.0m of the edge of travel portion of a highway.
31. Maximum driveway width for all single-family residential zones is 6.0m. This width is measured at the property line. Driveway width within the boulevard may therefore not exceed 6.0m in width, and the minimum width of the driveway shall be 3.0m as measured at the property line.
32. Where a single-family residence includes a multi-door garage or where off-street parking has been developed on a lot, the width of driveway on the private property must transition to the maximum permitted width at the property line.

33. An exception to Section 32 requirement will be permitted on lots that back on to a lane in which case the driveway width within the boulevard may match that constructed on private property.

Restricted Use of Roadways

34. The Public Works Superintendent may, given certain road or subsurface conditions, including those caused by inclement weather, presence of foreign materials, road-base failure, or imminent danger which could result in harm to the public, property or the road itself, further restrict the size, weight and type of vehicles permitted to be on roadways until such time as those pavement conditions or subsurface conditions are appropriate for resumption of normal operations.
35. A vehicle, or the vehicle and load together, whose load exceeds 3 metres in width shall require that such vehicle be preceded and/or followed by a pilot car suitably identified with red flags and/or flashing lights, as required by the *Commercial Transport Act*.

Speeds

36. The maximum speed at which a person may drive or operate a motor vehicle shall not be greater than 40 km/h on all highways, except:
1. In accordance with the *Motor Vehicle Act*, highways in the vicinity of schools and playgrounds have a maximum speed of 30 km/h;
 2. Highways outlined in heavy black on Schedule "C" have a maximum speed of 30 km/h; and
 3. Highways outlined in heavy black on Schedule "D" have a maximum speed of 20 km/h.
37. No person shall drive a vehicle on any street at such a rate of speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe driving or operation or in compliance with the law.

Highway Use Requiring Permit

38. Except as authorized by a permit issued by the Public Works Superintendent pursuant to this Bylaw, no person shall:
1. place any fuel, lumber, blocks, rock, stone, merchandise, chattel or wares of any nature on any highway;
 2. deposit, throw, or leave any earth, refuse, debris or other thing on a highway;
 3. being the owner or occupier of property abutting on a highway, cause or permit any earth, rocks, stones, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any such property upon a highway or, being there, to remain thereon;
 4. drag or skid anything along or over a highway;
 5. dig up, break up or remove any part of a highway; or excavate in or under a highway;
 6. change the level of a highway whatsoever, or stop the flow of water through any drain, sewer or culvert on or through a highway;
 7. place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structures or things on a highway;
 8. construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway;

9. dig up, alter, cut, prune, trim, remove, destroy or in any manner cause damage to any tree, timber, flower, foliage, flowering plants, shrubs, plants, bushes and hedges, fences or other things erected or maintained on any highway or boulevard;
10. mark, imprint or deface in any manner whatsoever a highway or structure thereon;
11. ride, drive, lead, move or propel any animal or vehicle over or across a boulevard, including any curb, sidewalk or ditch therein unless such boulevard has been constructed or improved to form a suitable crossing;
12. construct a boulevard crossing including a curb, ditch or sidewalk crossing;
13. operate a vehicle while sounding a loudspeaker or other noise-making device;
14. march, drive or otherwise take part in a parade, event or procession except a funeral procession;
15. conduct construction on a highway or traffic control relating to such construction;
16. conduct construction on land adjacent to a highway where access from the highway to the land is required for that purpose;
17. obstruct or interfere with the free flow of traffic or attempt to control or detour traffic on any highway or lane, whether by use of signs or flagmen or by barricades or other physical obstruction on the road, provided that this clause shall not apply to:
 - i) a Peace Officer, Bylaw Enforcement Officer, or Fire Fighter acting in the normal course of his or her duties;
 - ii) a student or adult school patrol acting under the authority of the *Public Schools Act* or authorized by the RCMP;
 - iii) emergency vehicles or public utility or Municipal crews while making emergency repairs within a highway or lane;
 - iv) vehicles while legally parked on a highway or lane or while obeying the instructions of a traffic control device or Peace Officer.

Permits

39. The Public Works Superintendent may issue a permit as outlined in Schedule 'B' to allow those things otherwise prohibited by Section 38 of this bylaw and subject to such other conditions in this section and in Section 40:
 1. upon the receipt of a satisfactory plan or specification of the work or obstruction in form satisfactory to the Public Works Superintendent and upon the agreement of the applicant to pay all costs associated with the construction;
 2. upon payment of fees as outlined in Schedule 'A' and upon deposit with the Municipality a security deposit, as outlined in Schedule 'A', in the form of cash or Letter of Credit, or in a form satisfactory to the Municipality in an amount equal to the estimated cost of repairing any damage to be done to the highway or other public place and to ensure that the work shown in the plan will be completed within the time specified by the permit; and

3. where an existing crossing provides access to land for which a new crossing has been applied, whether or not such existing crossing is in present use, the applicant for the new crossing shall bear all costs for the removal of all existing crossing that are not a part of the application and for returning the land to a normal state as defined by the Public Works Superintendent, and the Public Works Superintendent may withhold issuance of a permit for a new crossing until he is satisfied that such removal has been accomplished or that satisfactory arrangement for the removal have been made.
40. As a pre-requisite to the issuance of a permit under Section 39, the Public Works Superintendent may require the applicant to:
- a. Deposit with the Municipality a sum of money:
 - i) sufficient to pay for the cost of repairing any damage likely to be done to the highway and installation therein or thereon; and
 - ii) as sufficient security to ensure that obligations imposed by the permit shall be fulfilled and completed within the time specified in such permit.
 - b. Provide satisfactory plans of work to be undertaken and when such plans are supplied and approved by the Public Works Superintendent and the necessary permit issued, the said work shall conform in every respect to the approved plans, to the current Municipal specifications as approved by the Public Works Superintendent, and to the current municipal requirements, or as approved by the Public Works Superintendent.
 - c. Where a deposit has been made in accordance with this Section, and upon satisfactory compliance with the permit within the time specified, the deposit will be refunded to the applicant, less the actual cost of administration and inspection.
 - d. Where completed work is to be taken over by the Municipality the applicant shall maintain such work for a period of one year from the date of expiry of the permit. Sufficient security deposit shall be retained from the deposit provided in Subsection (a) to cover any repair works, which may be required over the maintenance period.
 - e. Where adjustments to completed works are required due to reconstruction of a highway, the person responsible for the initial construction as shown on the permit shall pay all the cost of such adjustments.
 - f. The applicant shall indemnify, protect and save harmless the Municipality from and against all claims demands and lien claims of every kind arising out of or in any way connected with the work or other things for which a permit has been issued.
 - g. At the discretion of the Public Works Superintendent, the applicant or their contractor may be required to have in effect liability insurance in the amount specified by the Public Works Superintendent naming the Municipality as an Additional Named Insured.
 - h. Failure of the permit holder to repair damage and/or fulfil such obligations as are set out in a permit within the specified time shall result in the forfeiture of the deposit to the Municipality as liquidated damages.
 - i. Provide the Municipality with sufficient funds, as determined by the Public Works Superintendent to complete the works including final restoration.
 - j. Notwithstanding the foregoing, the Municipality shall have the right to seek additional compensation from the applicant.

41. The Public Works Superintendent is hereby authorized to remove any structure, object, substance or thing found upon any highway or public place in contravention of this bylaw. The owner of any structure, object, substance or thing removed by the Public Works Superintendent may recover the same upon payment to the Municipality the amount equal to the actual cost of such removal.

Encroachment Permit

42. The Director of Engineering may issue an Encroachment permit as outlined in Schedule "B" to allow those things otherwise prohibited by Section 38 of this bylaw and subject to such other conditions in Section 43.
43. As a pre-requisite to the issuance of a permit under Section 42 the Director of Engineering may require the applicant to:
- a. Provide a complete application including:
 - i) Complete Application form in the manner as provided in Schedule "B"
 - ii) Payment of application fee for an encroachment permit
 - iii) A Letter of intent explaining the circumstances for the encroachment;
 - iv) Drawings showing the location and area of the proposed or existing encroachment; and
 - v) Any other documents reasonably associated or necessary to process the permit application, to the Municipality's Public Works Department's satisfaction, along with the applicable Encroachment Permit Application Fee as set out in this Bylaw.
 - b. For applications for encroaching buildings or structures requiring a building permit, provide:
 - i) A complete building permit application;
 - ii) A registered plan of the encroachment area prepared by a British Columbia Land Surveyor, to be included in the registered Easement and Covenant; and
 - iii) Payment of an additional fee for the review of an easement and covenant
 - c. Indemnify, protect and save harmless the Municipality from and against all claims demands and lien claims of every kind arising out of or in any way connected with the work or other things for which a permit has been issued. Proof of appropriate insurance coverage with a limit of not less than \$2 million dollars (although the Municipality may determine if more is required) per occurrence and naming the Municipality as an additional insured will be required before a permit will be issued, and the validity of an Encroachment Permit will be conditional on the maintenance of the insurance coverage.
 - i) Failure of the permit holder to repair damage and/or fulfil such obligations as are set out in a permit within the specified time shall result in the forfeiture of the deposit to the Municipality as liquidated damages.
 - ii) Notwithstanding the foregoing, the Municipality shall have the right to seek additional compensation from the applicant.

44. Prior to the issuance of a permit, the applicant shall make the annual payment fee for an encroachment permit as specified in Schedule "A." Subsequent payments shall be made January 1 each following year.

Spilling of Vehicle Loads on Streets - Securing of Loads

45. It shall be the duty of the driver of any vehicle and also the duty of the owner of any commercial vehicle to ensure that any load or covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.
46. In the event that any article, substance or material shall, due to any cause whatsoever, become loose or detached or blow, drop, spill or fall from any vehicle on to any street, it shall be the duty of the driver of such vehicle forthwith to take all reasonable precautions to safeguard traffic and also to remove such material from such street.
47. No person shall drive, ride, or propel any vehicle containing any sawdust, or garbage on any street in the Municipality unless such vehicle shall be kept tightly and securely covered in such manner as to prevent any of such sawdust or garbage from being flown, dropped or spilled from such vehicle.

PART III - GENERAL PROVISIONS

Violations

48. Every person who offends against any of the provisions of this bylaw 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 who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw, shall be deemed to be guilty of an infraction of this bylaw, and shall be liable to the penalties hereby imposed.
49. a. Any person who violates any provision of Part I or Part II of this bylaw commits an offence.
- b. Each separate circumstance where a provision of this bylaw is violated constitutes a separate offence.
- c. Each day's continuance of an offence constitutes a new and distinct offence.
- d. The following persons are hereby designated as authorized to enforce the provisions of this bylaw:
1. a Peace Officer;
 2. a Bylaw Enforcement Officer;
 3. the Public Works Superintendent.
- e. Where a person is in violation of any provision of this bylaw, those persons authorized under this Section, Subsection (d), may issue a violation notice and such person shall be liable to pay the Bowen Island Municipality the respective sum or sums, indicated in the violation notice set out as follows:

For a violation of any section in Part I – Traffic Control:

First Offence:

\$50.00 for each violation of the bylaw.

\$25.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Second Offence:

\$100.00 for each violation of the bylaw.

\$75.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Subsequent Offences:

\$150.00 for each violation of the bylaw

\$125.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

If the penalty indicated on the Violation Notice is not paid within thirty (30) days of the issuance, a Summons may be issued in respect of the violation.

For a violation of any section in Part II – Use of Streets:

First Offence:

\$200.00 for each violation of the bylaw.

\$175.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Second Offence:

\$300.00 for each violation of the bylaw.

\$275.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Subsequent Offences:

\$500.00 for each violation of the bylaw

\$475.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

If the penalty indicated on the Violation Notice is not paid within thirty (30) days of the issuance, a Summons may be issued in respect of the violation.

- f. Any person named in this Section, Subsection (d) may enter upon property including a vehicle on a highway, at all reasonable times to ascertain whether the provisions of this bylaw are being observed.

Penal Clause

50. Except as otherwise provided in this bylaw, every person who violates any of the provisions of this bylaw, or who suffers or permits any act, or thing, to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform any duty or obligation imposed by this bylaw is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) or in the alternative to imprisonment for a period not exceeding six (6) months.

Severability

51. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

Repeal

52. Bowen "Bowen Island Municipality Street and Traffic Bylaw No. 97, 2003" is hereby repealed.

Citation

53. This Bylaw may be cited as the "Bowen Island Municipality Street and Traffic Bylaw No.133, 2005".

READ A FIRST TIME this 10th day of January, 2005.

READ A SECOND TIME this 10th day of January, 2005.

READ A THIRD TIME this 10th day of January, 2005.

RECONSIDERED AND FINALLY ADOPTED this 24th day of January, 2005.

(Original signed) _____

Lisa Barrett, Mayor

(Original signed) _____

Isabell Hadford, Clerk

Certified to be a true and correct copy of
Bylaw No. 133, 2005, cited as "Bowen
Island Municipality Street and Traffic
Bylaw No. 133, 2005" as adopted by the
Council of Bowen Island Municipality this
24th day of January, 2005.

(Original signed) _____

Isabell Hadford, Clerk

Schedule "A" – Permit Fees

Permit Type	Application Fee	Permit Fee	Deposit Required
Driveway Access		\$150.00	\$500.00
Invasive Encroachment Permit	\$150	Annual fee of the greater of \$150 or (Current Assessed Land value per m ²) x (m ² of encroachment) x (5%)	
Non-invasive encroachment permit	\$150	Annual fee of the greater of \$100 or (Current Assessed Land value per m ²) x (m ² of encroachment) x (2.5%)	
Parade, Event or Procession		\$50.00	To a maximum of \$500.00
Review of easement and covenant	\$350		
Construction of works in the Municipal Right of Way by a Public Utility		Nil	To a maximum of 10% of the value of the works
Construction of works in the Municipal Right of Way by anyone other than a Public Utility		\$150.00	To a maximum of 10% of the value of the works
Tree Cutting in the Municipal Right of Way by a Public Utility		Nil	\$500.00
Tree Cutting in the Municipal Right of Way by anyone other than a Public Utility		50.00	\$500.00

Schedule “B” – Index of Sample Applications & Permits

Name of Sample Application or Permit	Page
Application to Occupy Municipal Road Allowance	25
Application for Permission to Construct Works within a Municipal Right-of-Way for the Purpose of Providing Access to a Driveway	27
Application for Permission to Hold a Parade, Event or Procession within a Municipal Right-of-Way	29
Application for Permission to Remove Trees within a Municipal Right-of-Way	30
Driveway Access Permit	31
Encroachment Permit	
Permit to Construct Works Occupying a Municipal Right-of-Way	39
Permit to hold a Parade, Event or Procession within the Municipal Right-of-Way	43
Permit To Perform Tree Work within the Municipal Right-of-Way	45

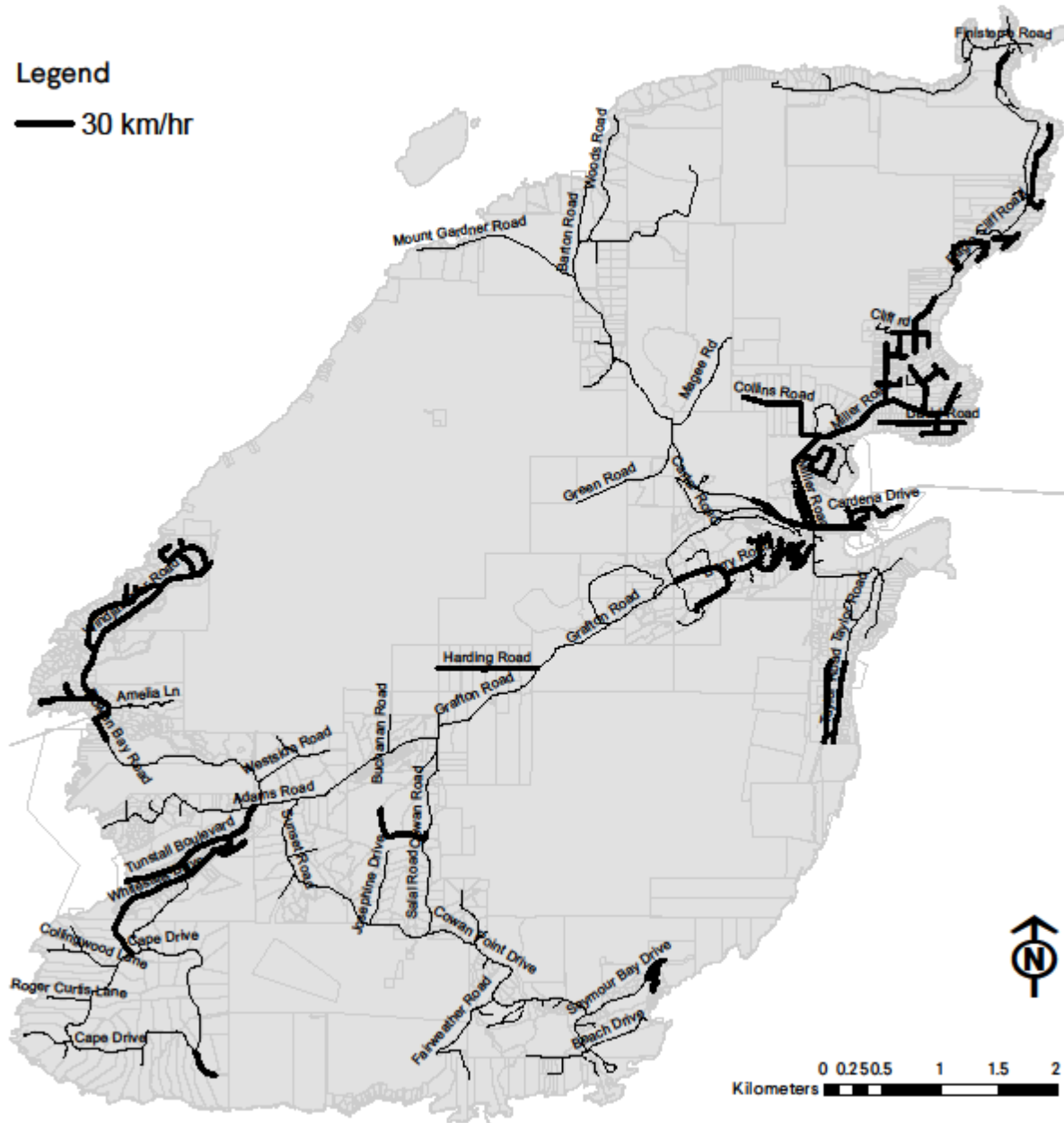
Schedule "C"

Speed Limit Map

Travel Direction: North/West

Legend

— 30 km/hr

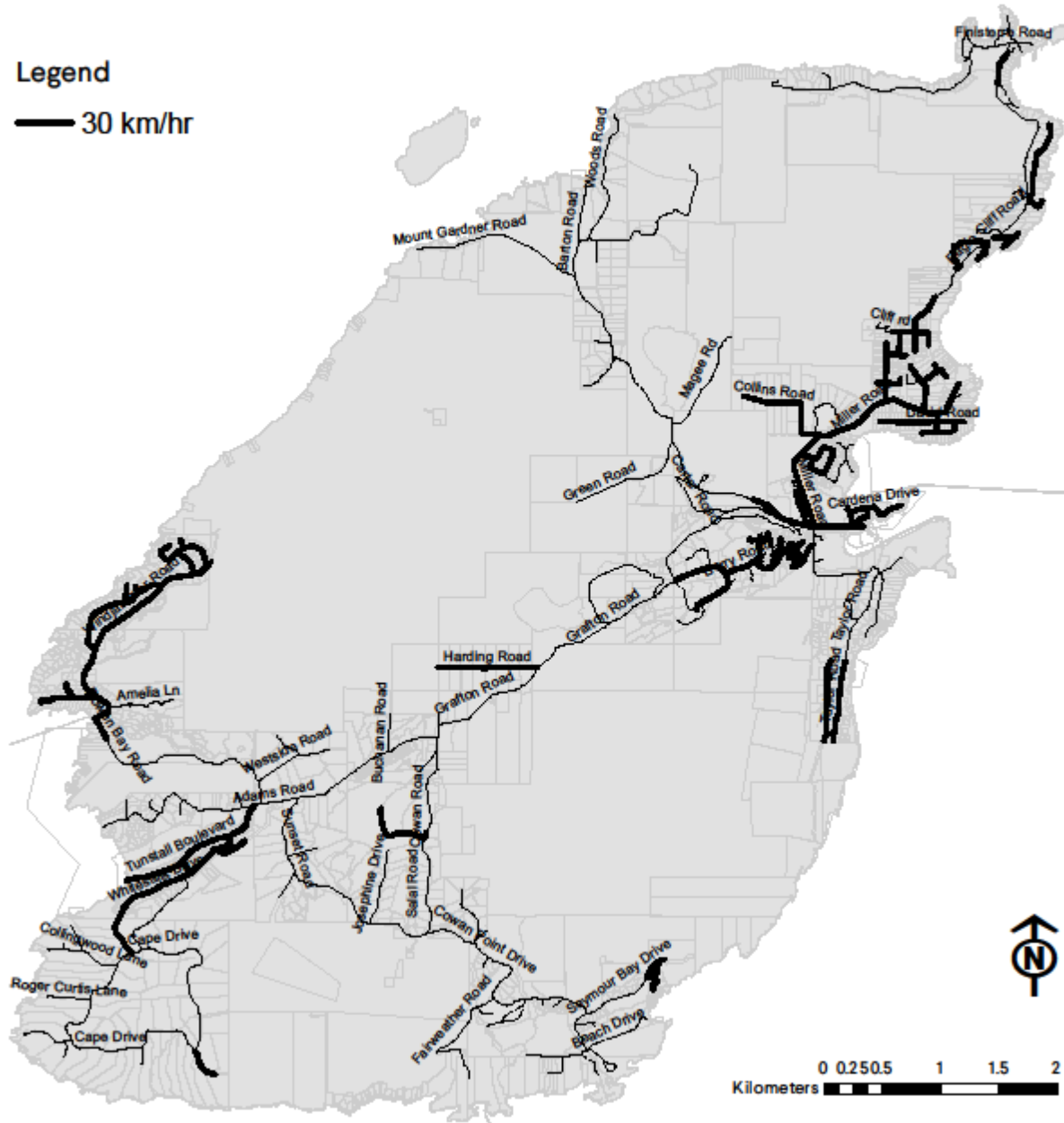


Speed Limit Map

Travel Direction: South/East

Legend

— 30 km/hr

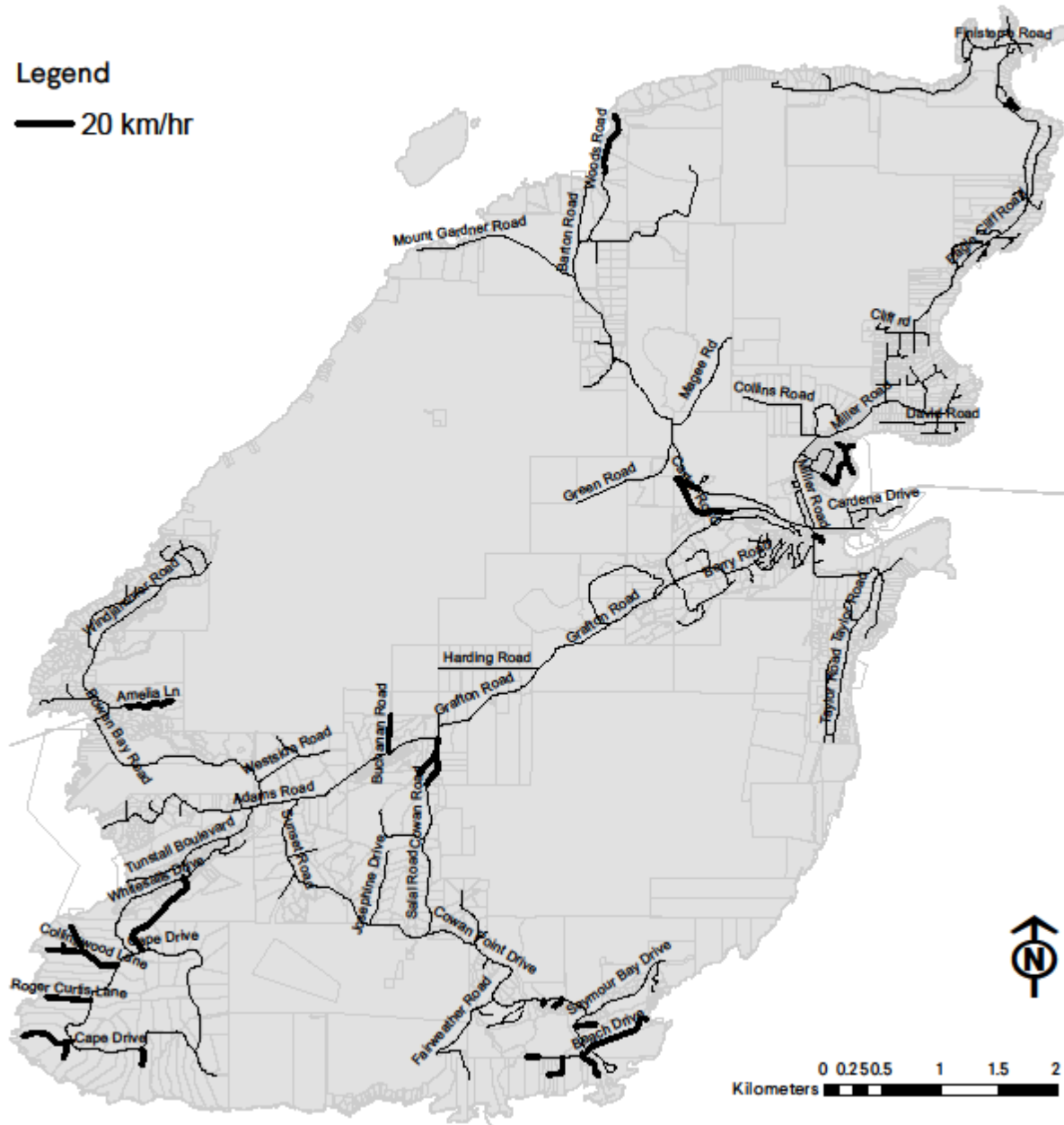


Speed Limit Map

Travel Direction: North/West

Legend

— 20 km/hr

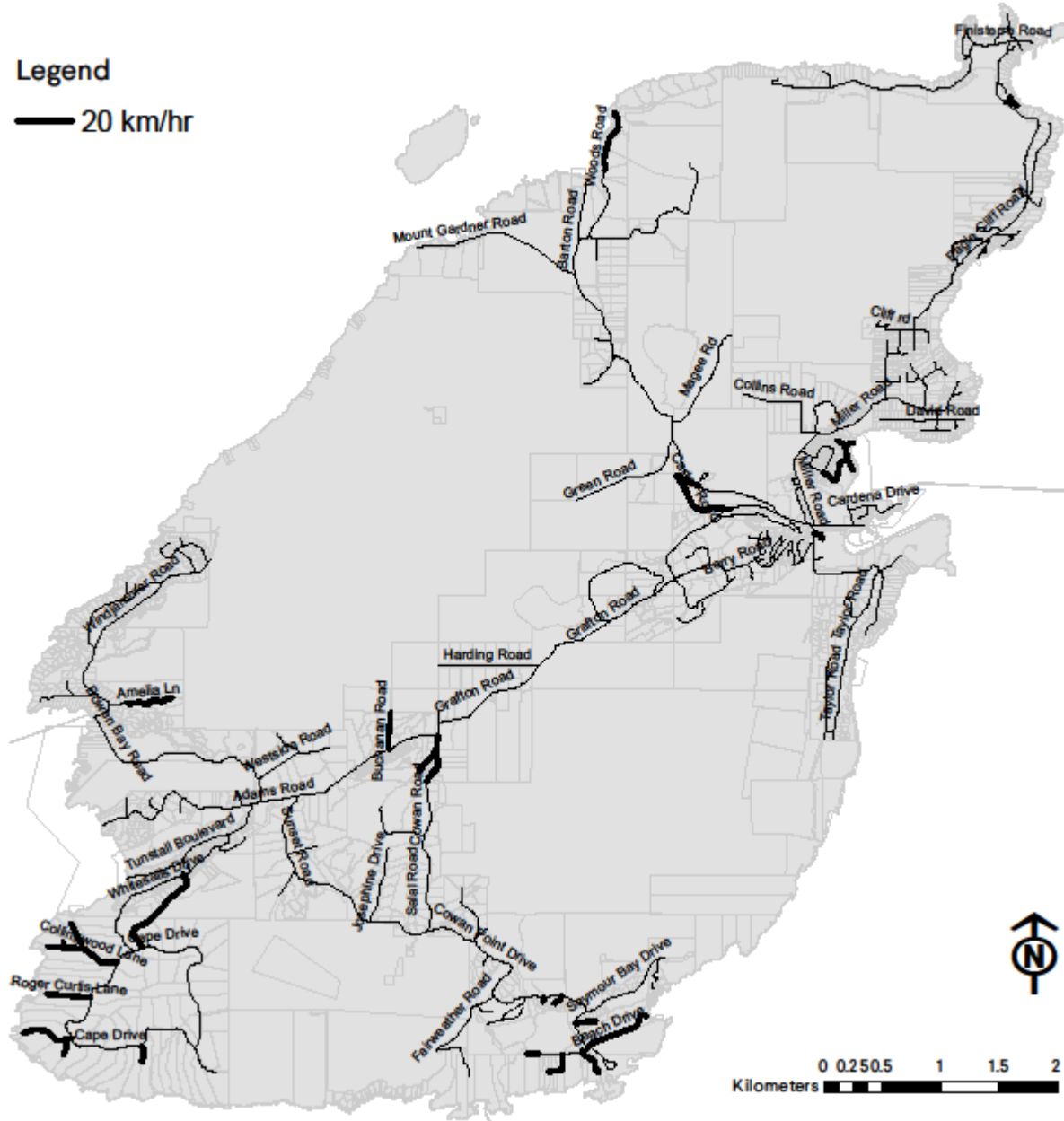


Speed Limit Map

Travel Direction: South/East

Legend

— 20 km/hr



BOWEN ISLAND MUNICIPALITY

P.O. Box 279
Bowen Island, BC V0N 1G0
Phone: 604-947-4255/Fax: 604-947-0193
E-mail: bim@bimbc.ca

**APPLICATION TO OCCUPY
MUNICIPAL ROAD ALLOWANCE**

(Please print or type)

FULL LEGAL NAME AND ADDRESS OF OWNER(S):

NAME(S) _____

ADDRESS _____

CITY _____ **PROVINCE** _____

POSTAL CODE _____

HOME TELEPHONE _____ **BUS. PHONE** _____

FAX NUMBER _____ **E-MAIL** _____

LEGAL DESCRIPTION OF PROPERTY (Attach copy of State of Title Certificate

LOT _____ **BLOCK** _____ **DISTRICT LOT** _____ **PLAN** _____

PURPOSE OF USE OF ROAD ALLOWANCE

- ☐ **Driveway**
- ☐ **Retaining wall**
- ☐ **Building**
- ☐ **Fence/Gate**
- ☐ **Other** _____

DESCRIPTION OF PROPOSED WORKS (Please provide 3 copies of drawing)

I/We hereby apply to occupy a Municipal Road Allowance as detailed above.

SIGNED: _____ DATE: _____
REGISTERED OWNERS

OFFICE USE:

Application Received: _____ Application No. _____

Inspection Date: _____ Inspected By: _____

Comments: _____

Fee Paid: _____ Date: _____ ☐ Cash
☐ Cheque
☐ Other _____

Approved By

BOWEN ISLAND MUNICIPALITY

981 Artisan Lane.
P.O. Box 279,
Bowen Island, B.C. V0N 1G0
Phone: 604 947-4255/Fax 604 947-0193
E-mail: bim@bimbc.ca

APPLICATION FOR PERMISSION TO CONSTRUCT WORKS WITHIN A MUNICIPAL RIGHT OF WAY FOR THE PURPOSE OF PROVIDING ACCESS TO A DRIVEWAY

AMOUNT PAID:
OFFICE USE ONLY
CODE: Fee: 14-11
Deposit 14-10
RECEIPT NO.

I/WE HEREBY APPLY FOR PERMISSION TO CONSTRUCT, USE AND MAINTAIN WORKS WITHIN THE LIMITS OF A BOWEN ISLAND MUNICIPAL RIGHT-OF-WAY. IN ACCORDANCE WITH THE PARTICULARS, PLAN, AND SPECIFICATIONS SUBMITTED HERewith. IT IS UNDERSTOOD THAT THE COMPLETION OF THIS FORM CONSTITUTES AN APPLICATION ONLY AND THE WORK MAY NOT BE COMMENCED UNLESS AND UNTIL A PERMIT IS RECEIVED. (IN THE CASE OF AN ACCESS ALREADY INSTALLED, BUT NOT COVERED BY A PERMIT, THIS APPLICATION IS STILL REQUIRED IN ORDER TO AUTHORIZE USE OF SAME.)

Full legal description of the property to be served is (1) _____

Civic Address _____ Bowen Island, B.C.

Road name(s) involved in project _____

The property is located approximately _____ km N/S/E/W of the Community of _____ and the requested access is on the N/S/E/W side of the roadway.
(Please see notes below for guidance.)

I/We request access at (2) _____ location(s) as shown on the **accompanying sketch-plan**.

The intended land use is (3) _____

The intend land use permitted by zoning (3a) _____

Description of proposed works (4) _____

This access is required for a period of _____

I am/we are the registered owners of or lessee of the above described property.

Signed: _____ Date: _____

Name and address: *(Please Print)*

Postal Code _____ Telephone: _____

I/We wish to have the Access Permit issued in the name of

(6) _____

Mailing address:

Postal Code _____ Telephone: _____

-
- Notes:
- (1) Insert property described - must have roadway frontage.
 - (2) Insert number of accesses required.
 - (3) Specific land use proposed (ie.) Single family dwelling, farm, motel & restaurant, etc.)
 - (3a) Indicate the permitted uses for the existing zoning on your property. (This information can be obtained from the Municipality).
 - (4) Briefly describe the proposed work to be done.
 - (5) Insert the word "**indefinitely**" if required for long term use, or insert the specific number of months/years if required temporarily.
 - (6) (a) Insert "myself" or "ourselves" if required by owner or lessee; or
(b) Insert name and address of person or company who will actually develop the property and construct, use and maintain the access works, if required by other party (for example, property is under option and owner proposes to sell or lease same); or
(c) If access is required for land beyond, give name of the owner(s) and legal description of parcel involved.

When the work is complete, please call our Building Department to order a final inspection. Once the work has been approved your deposit will be refunded.

BOWEN ISLAND MUNICIPALITY

981 Artisan Lane.
P.O. Box 279,
Bowen Island, B.C. V0N 1G0
Phone: 604 947-4255/Fax 604 947-0193

**APPLICATION FOR PERMISSION TO HOLD A
PARADE, EVENT OR PROCESSION
WITHIN A MUNICIPAL RIGHT-OF-WAY**

OFFICE USE ONLY
CODE: Fee: Deposit
PERMIT NO.

I/WE HEREBY APPLY FOR PERMISSION TO HOLD A PARADE, EVENT OR PROCESSION WITHIN THE LIMITS OF A BOWEN ISLAND MUNICIPAL RIGHT-OF-WAY, IN ACCORDANCE WITH THE PARTICULARS SUBMITTED HEREWITH. IT IS UNDERSTOOD THAT THE COMPLETION OF THIS FORM CONSTITUTES AN APPLICATION ONLY AND THE PARADE OR PROCESSION MAY NOT COMMENCE UNLESS AND UNTIL A PERMIT IS RECEIVED.

Name, address and phone number of applicant (if organization, name and address of executive thereof).

Name	Address	Phone Number

Day, date and hours during which event will be held:	To	From

Intended route of parade (Road name(s)/Right-of-Way(s) Involved and Description of sections affected):

Approximate number of persons and vehicles taking part: Persons: _____ Vehicles: _____

Nature and object of event: _____

Name(s), signature(s) and address(s) of person(s) who will be responsible for the event and the orderly conduct of those involved.

Name	Signature	Address

BOWEN ISLAND MUNICIPALITY

981 Artisan Lane.
P.O. Box 279,
Bowen Island, B.C. V0N 1G0
Phone: 604 947-4255/Fax 604 947-0193

APPLICATION FOR PERMISSION TO REMOVE
TREES WITHIN A MUNICIPAL RIGHT-OF-WAY

OFFICE USE ONLY
CODE: Fee:
Deposit
PERMIT NO.

I/WE HEREBY APPLY FOR PERMISSION TO REMOVE TREES AND VEGETATION WITHIN THE LIMITS OF A BOWEN ISLAND MUNICIPAL RIGHT-OF-WAY, IN ACCORDANCE WITH THE PARTICULARS SUBMITTED HEREWITH. IT IS UNDERSTOOD THAT THE COMPLETION OF THIS FORM CONSTITUTES AN APPLICATION ONLY AND THE WORK MAY NOT BE COMMENCED UNLESS AND UNTIL A PERMIT IS RECEIVED.

Road name(s)/Right-of-Way(s) Involved and Description of Road Section Affected

Approximate Number of Trees to be Removed and Description of Species and Size

Proposed Method of Disposal

Anticipated Date(s) for Tree Removal

The applicant shall be responsible for the following tasks:

- Marking the trees for identification prior to field review with Municipal Works Staff.
- Identifying merchantable trees and informing for Municipal Works Staff.
- Coordinate and attend field review with Municipal Works Staff.
- Coordination with GVRD Parks, Municipal Parks & Recreation, and affected property owners as required.

Signed: Date:

Name and address: *(Please Print)*

Postal Code Telephone:

BOWEN ISLAND MUNICIPALITY

981 Artisan Lane
Bowen Island, B.C. V0N 1G2
Phone: 604 947-4255/Fax 604 947-0193
E-mail: bim@bimbc.ca

APPLICATION FOR ENCROACHMENT PERMIT

I/WE HEREBY APPLY FOR PERMISSION TO CONSTRUCT, USE AND MAINTAIN WORKS WITHIN MUNICIPAL LANDS. IT IS UNDERSTOOD THAT THE COMPLETION OF THIS FORM CONSTITUTES AN APPLICATION ONLY AND THE WORK MAY NOT BE COMMENCED UNLESS AND UNTIL A PERMIT IS RECEIVED.

Full legal description of the property :

Civic Address _____ Bowen Island, B.C.

Encroachment Area _____ sq. m.

Description of proposed works _____

This proposed easement is

- ☐ Temporary for a period of _____
☐ Permanent)

Attachments:

- ☐ Letter of intent explaining the circumstances for the encroachment
☐ Sketch-plan showing the location and area of the proposed or existing encroachment

I am/we are the registered owners of the above described property.

Signed: _____ Date: _____

Name and address: *(Please Print)*

Postal Code _____ Telephone: _____

I/We wish to have the Encroachment Permit issued in the name of

Mailing address:

Postal Code _____ Telephone: _____

SAMPLE ENCROACHMENT PERMIT
BOWEN ISLAND MUNICIPALITY
981 Artisan Lane
Bowen Island, BC V0N 1G2
Phone: 604 947-4255/Fax 604 947-0193
Email: bim@bimbc.ca

EXTENT & DESCRIPTION OF THE ENCROACHMENT:

ADJOINING PROPERTY INFORMATION (Dominant Tenement):

Civic Address:

Legal Description:

EASEMENT AREA INFORMATION:

Legal Description:

and in accordance with application dated date is hereby authorized insofar as it relates to the use of the Municipal lands, or other matter under the jurisdiction of the Bowen Island Municipality (the Municipality), and permission to construct, use, and maintain the said encroachment (the works) is hereby granted to:

The Permit Holder

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

1. That the construction, alteration and maintenance of the said works are carried out to the latest Federal and Provincial Government requirements and standards, the MMCD and to the satisfaction of the Municipality.
2. That any person appointed by the Municipality for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
3. That the construction or alteration of the said works shall be completed by **date** to the satisfaction of the Municipality.
4. That the safety, economy and convenience of the travelling public must at all times be recognized and all traffic control must be undertaken by the Permit Holder to the satisfaction of the Municipality.
5. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
6. That the Permit Holder shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and indemnify the Municipality and its officers, employees, agents and elected officials from and against any and all claims, actions, causes of action, losses, costs and demands whatsoever or whenever arising in respect of or in any way connected to the works.

7. That, prior to proceeding with any excavation, the Permit Holder will be responsible for notifying any utility company whose works may be close to or affected by the installation.
8. That while reasonable care will be taken on the part of the Municipality to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Municipality and its employees accept no responsibility of any kind for such damage.
9. That the Permit Holder and the Municipality agree that, in the event that relocation of any structure associated with the permit becomes necessary for *bona fide* municipal purposes, then the Permit Holder shall, within 30 (thirty) days written notice from the Municipality, remove the permitted works at their expense.
10. That the Permit Holder shall be responsible for siltation control during the construction of the works.
11. Any mud, soil, debris, or other foreign material tracked onto the highway during construction shall be removed by the Permit Holder at his expense, at least daily, or at any time the material unduly inconveniences or creates a hazard for traffic.
12. That the works shall be constructed and maintained in a manner that ensures that the works do not interfere with the flow of storm water, originating on the right of way or private properties.
13. That the Permit Holder shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the Permit Holder's expense.
14. That the design shown on the drawing attached to this permit is a condition of this permit, and any change in such without the prior consent in writing of the Municipality shall render the permit void.
15. That upon completion of the works authorized by this permit, the Permit Holder shall request final inspection and acceptance of the works.
16. That all Annual Fees, as required in Schedule 'A' of the Encroachment Bylaw, shall be paid by the Permit Holder to the Municipality on or before the date specified on the billing prepared by the Municipality.
17. That the Permit Holder shall obtain, maintain and pay for Comprehensive General Liability Insurance, for an amount not less than \$2,000,000 per occurrence. Such insurance shall be primary insurance and shall include the Owner as a named insured and contain a standard form of Cross Liability clause and also provide for 30 days prior notice of cancellation, lapse or material change. Such insurance shall extend to include Blanket Contractual Liability and Tenant's Legal Liability coverage in an amount adequate to cover loss or damage to the works. The Permit Holder shall, upon the request of the Municipality, provide the Municipality with evidence of insurance in the form of a Province of British Columbia Certificate of Insurance. The Permit Holder further agrees that if there be a breach of the insurance requirements the Municipality may obtain the necessary insurance coverage on the Permit Holder's behalf and recover the costs thereof as Additional Fees.
18. Works permitted under this permit are limited to the Municipal land, and do not include works on private properties, which may be subject to other permits, including municipal development permits.
19. All permits and drawings shall be kept on site at all times during construction.
20. This permit is not valid without acceptance of the permit conditions by the applicant(s), provided by signing below.

I/We hereby accept and agree to the terms stated above.

(Permit Holder)

Applicants Signature

Date

Permit Issued:	Inspection & Acceptance of Permitted Works:
Date:	Date:
Title:	Title:

BOWEN ISLAND MUNICIPALITY

P.O. Box 279,
Bowen Island, B.C. V0N 1G0
Phone: 604 947-4255/Fax 604 947-0193
Email: bim@bimbc.ca

DRIVEWAY ACCESS PERMIT

ADDRESS:

LEGAL:

The works comprising of the installation of one (1) residential access(s) agreed to on ***{Month Date, 2003}*** all in accordance with application dated ***{Month Date, 2003}*** is hereby approved insofar as it relates to the use of the Municipal right of way, interference with public works, or other matter under the jurisdiction of the Bowen Island Municipality (the Municipality), and permission to construct, use, maintain and operate the said works is hereby granted to:

{Applicant's Name}

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

1. That the construction and maintenance of the said works are carried out to the satisfaction of the Municipality.
2. That any person appointed by the Municipality for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
3. That the construction of the said works shall be completed within six (6) months of the date of this permit to the satisfaction of the Municipality.
4. That the safety, economy, and convenience of the traveling public must at all times be recognized and all traffic control must be undertaken by the permittee to the satisfaction of the Municipality.
5. That any construction works be undertaken in strict accordance with the requirements of the Workers Compensation Board of BC (WCB).
6. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.

7. That the permittee shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and indemnify the Municipality and its officers, employees, agents and elected officials from and against any and all claims, actions, causes of action, losses, costs and demands whatsoever or whenever arising in respect of or in any way connected to the works. That, prior to proceeding with any excavation, the permittee will be responsible for notifying any utility company whose works may be close to or affected by the installation.
8. This permission shall not be deemed to vest in the permittee any right, title, or interest whatsoever in or to the lands upon which the works are constructed.
9. That while reasonable care will be taken on the part of the Municipality to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Municipality and its employees accept no responsibility of any kind for such damage.
10. That, after receiving notice in writing of the intention of the Municipality to construct, extend, alter, or improve any public works, the permittee shall within 30 days move or alter works authorized by this permit at his own expense to such new position or in such manner as may be necessitated by the construction, extension, alteration, or improvement of access point or change of grade takes place there shall be no claim against the Municipality for damages arising out of the changed access condition.
11. Any existing access to the property not covered by a valid permit shall be removed within 90 calendar days of the date of the permit.
12. The access (or accesses) shall be gravelled to an extent satisfactory to the Municipality to prevent tracking of mud and soil onto the highways surface.
13. The permittee shall be responsible for siltation control during the construction of the access.
14. The permittee shall be responsible for replacing any survey monuments that may be distributed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the permittee's expense.
15. Any mud, soil, debris, or other foreign material tracked onto the highway from the access (or accesses) during construction shall be removed by the permittee at his expense, at least daily, or at any time the material unduly inconveniences or creates a hazard for traffic.

16. The access shall be constructed and maintained in a manner that ensures that water runoff originating on the property may not flow onto the paved or unpaved surface of the roadway. Furthermore the access shall be constructed and maintained in a manner that ensures that it directs any water runoff that originates on the right of way away from the new access driveway.
17. That upon completion of the works authorized by this permit, the permittee shall request final inspection and acceptance of the works.
18. This permit shall be considered null and void should there be a change of land use of the benefiting property, should the benefiting property be further subdivided, or should the conditions under which the permit has been granted have changed.
- 19 .As security for the due performance of all of the covenants and promises contained in this Permit, the permittee has deposited with the Municipality a security deposit in the amount of \$500.00 in the form of cash, cheque or a Letter of Credit acceptable to the Municipality. The Security Deposit will be returned to the permittee after the driveway access has been installed and the Municipality is satisfied that the Municipal road right of way has been returned to the condition that existed prior to the installation of the driveway access. Should the condition of the Municipal road right of way not be to the satisfaction of the Municipality after the driveway access has been installed, then the Municipality may use the Security Deposit to return it to the condition that existed prior to the installation of the driveway access.
20. Driveway is not to exceed **{2%} grade** for the first **{5} metres** from the traveled edge of roadway.
21. Permittee shall provide for vehicle turn around on the property so that vehicles can re-enter the Municipal Road Right of Way.
22. The permittee shall provide off-street parking in the amount of **{two (2)}** stalls.
23. This permission is contingent upon the following land use, and any change in land use shall render the permit void: **{Single Family Residential}**.
24. This Permit is issued only to the person or corporation named above, and any change in ownership to the property renders this permit void.
25. All materials and procedures shall comply with the current edition of the Master Municipal Construction Document (MMCD).

Site Specific Conditions:

26. The layout shown on the drawings submitted (attached) under the permittee's application is a condition of this permit, and any change in layout without the prior consent in writing of the Municipality shall render the permit void.
27. Driveway width is not to exceed **{6.0 m}** at the tie-in point to the municipal right of way.
28. Permittee to install a **{XXXXXX}** mm diameter culvert, according to the manufacturer's instructions, in line with the existing ditch. In addition, culvert headwalls shall be provided in accordance with the attached sketch.
29. The access shall meet the road at a **{90 degree}** angle to the existing permit.

Attachments: *{edit list as required}*

The following attached drawing(s) is a condition of this permit, and any change in layout without prior consent in writing shall render this permit void.

{Typical Culvert}

{Approved Access Plan}

{Approved Access Profile}

{Approved Site Drainage Plan}

Permit Issued:	Inspection & Acceptance of Permitted Works:
Date:	Date:
Title:	Title:

BOWEN ISLAND MUNICIPALITY

P.O. Box 279
Bowen Island, BC V0N 1G0
Phone: 604-947-4255/Fax: 604-947-0193
E-mail: bim@bimbc.ca

**PERMIT TO CONSTRUCT WORKS OCCUPYING
A MUNICIPAL RIGHT-OF-WAY****LOCATION:****ADJOINING PROPERTIES – LEGAL DESCRIPTION:**

The works comprising of the installation of:

only as detailed on the attached drawings:

Drawing Name	Drawing Number	Drawing Date

and in accordance with application dated is hereby authorized insofar as it relates to the use of the Municipal right of way, interference with public works, or other matter under the jurisdiction of the Bowen Island Municipality (the Municipality), and permission to construct, use, maintain and operate the said works is hereby granted to:

The Permittee

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

1. That the construction and maintenance of the said works are carried out to the latest Federal and Provincial Government requirements and standards, the MMCD and to the satisfaction of the Municipality.

2. Time and timing are of the essence of this permit. Inconvenience to the public shall be kept to the minimum and the work completed over a minimum time period. Work during the months of June, July and August shall be avoided whenever possible and shall only be allowed by written authority when unavoidable reasons for working during these months are demonstrated in writing.
3. That the Permittee, two weeks prior to commencing the work, shall advertise in the local newspaper and provide written notification to all neighbours, residing within 100 metres of the proposed works, of the nature, timing and possible inconveniences that may arise as a result of the works. Such notice shall contain the name and 24 hour contact phone numbers of a representative of the Permittee.
4. That any person appointed by the Municipality for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
5. That the construction of the said works shall be completed by _____ to the satisfaction of the Municipality.
6. That the Permittee provide the Municipality with both hard copy and electronic copy of "As-Constructed" drawings of the works prior to requesting the return of the security deposit. Furthermore, the Permittee shall cooperate with and assist Municipal staff in integrating data for all their existing Bowen Island works and plant on the Municipal GIS System.
7. That the safety, economy and convenience of the travelling public must at all times be recognized and all traffic control must be undertaken by the Permittee to the satisfaction of the Municipality.
8. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
9. That the Permittee shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and indemnify the Municipality and its officers, employees, agents and elected officials from and against any and all claims, actions, causes of action, losses, costs and demands whatsoever or whenever arising in respect of or in any way connected to the works. That, prior to proceeding with any excavation, the Permittee will be responsible for notifying any utility company whose works may be close to or affected by the installation.
10. This permission shall not be deemed to vest in the Permittee any right, title, or interest whatsoever in or to the lands upon which the works are constructed.

11. That while reasonable care will be taken on the part of the Municipality to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Municipality and its employees accept no responsibility of any kind for such damage.
12. The Permittee and the Municipality agree that, in the event that relocation of the structure becomes necessary for *bona fide* municipal purposes, then both parties will work to come to a mutually agreed arrangement at that time, taking into consideration:
 - The cost and complexity of the relocation;
 - The municipal purpose;
 - The age of the utility works;
 - The public benefit of the communications facility in serving Bowen Island and the region.Both parties will endeavour to reach agreement that is in the best interest of the public, rather than the specific interest of either party.
13. The Permittee shall be responsible for siltation control during the construction of the works.
14. Any mud, soil, debris, or other foreign material tracked onto the highway during construction shall be removed by the Permittee at his expense, at least daily, or at any time the material unduly inconveniences or creates a hazard for traffic.
15. The works shall be constructed and maintained in a manner that ensures that the works do not interfere with the flow of storm water, originating on the right of way or private properties.
16. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
17. The design shown on the drawing attached to this permit are a condition of this permit, and any change in such without the prior consent in writing of the Municipality shall render the permit void.
18. That upon completion of the works authorized by this permit, the Permittee shall request final inspection and acceptance of the works.
19. The Permittee shall reimburse the Municipality for the Public Works Staff and Engineering time devoted to approval of this Permit and all necessary inspections of the works up to and including the final inspection. The charge out rate shall be One Hundred Dollars (\$100.00) per hour, which is inclusive of disbursements and overhead.

Applicants Signature

Date

Permit Issued:	Inspection & Acceptance of Permitted Works: Authority to release Security Deposit.
Signature	Signature
Date:	Date:
Title:	Title:

BOWEN ISLAND MUNICIPALITY

P.O. Box 279,
Bowen Island, B.C. V0N 1G0
Phone: 604 947-4255/Fax 604 947-0193
Email: bim@bimbc.ca

**PERMIT TO HOLD A PARADE, EVENT OR PROCESSION
WITHIN A MUNICIPAL RIGHT-OF-WAY**

Office Use Only
CODE: Deposit: 14-10
Amount Paid:
Receipt No.

PARADE, EVENT OR PROCESSION ROUTE:**DAY, DATE AND TIMES OF THE PARADE, EVENT OR PROCESSION:**

In accordance with the application date-stamped (Date) is hereby approved insofar as it relates to the use of the Municipal right of way, and permission to hold a parade, event or procession is hereby granted to:

(Name of Permittee)

The said approval and permission is granting to the permittee to hold a parade, event or procession, however, at all times subject to the following conditions:

1. That the parade or procession is carried out to the satisfaction of the Municipality.
2. That the safety, economy, and convenience of the traveling public must at all times be recognized and all traffic control must be undertaken by the permittee to the satisfaction of the Municipality.
3. That the permittee shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said work, and shall save harmless and keep indemnified the Municipality from all claims and demands whatsoever in respect to the works.
8. Any garbage, debris, or other foreign material resulting of the parade or procession shall be removed by the permittee at his expense, immediately upon conclusion of the parade or procession, or at any time the material unduly inconveniences or creates a hazard for pedestrian or vehicular traffic.

11. As security for the due performance of all of the covenants and promises contained in this Permit, the permittee has deposited with the Municipality a security deposit in the amount of {maximum \$500.00} in the form of cash, cheque or a Letter of Credit acceptable to the Municipality. The Security Deposit will be returned to the permittee after the conclusion of the parade, event or procession, and the Municipality is satisfied that the Municipal road right of way has been returned to the condition that existed prior to the to the parade, event or procession. Should the condition of the Municipal road right of way not be to the satisfaction of the Municipality, the Municipality may use the Security Deposit to return it to the condition that existed prior to the parade, event or procession.
12. That the Permittee shall obtain, maintain and pay for Comprehensive General Liability Insurance, for an amount not less than \$2,000,000 per occurrence. Such insurance shall be primary insurance and shall include the Owner as a named insured and contain a standard form of Cross Liability clause and also provide for 30 days prior notice of cancellation, lapse or material change. Such insurance shall extend to include Blanket Contractual Liability and Tenant's Legal Liability coverage in an amount adequate to cover loss or damage to the works. The Permittee shall, upon the request of the Municipality, provide the Municipality with evidence of insurance in the form of a Province of British Columbia Certificate of Insurance. The Permittee further agrees that if there be a breach of the insurance requirements the Municipality may obtain the necessary insurance coverage on the Permittee's behalf and recover the costs thereof as Additional Fees.

Permit Issued:	Inspection & Authority to release Security Deposit:
Date:	Date:
Title:	Title:

BOWEN ISLAND MUNICIPALITY

P.O. Box 279,
Bowen Island, B.C. V0N 1G0
Phone: 604 947-4255/Fax 604 947-0193
Email: bim@bimbc.ca

**PERMIT TO PERFORM TREE CUTTING
IN A MUNICIPAL RIGHT-OF-WAY**

Office Use Only
CODE: Deposit: 14-10
Amount Paid:
Receipt No.

ADDRESS:**LEGAL:**

The work consists of the removal of **{description of trees to be cut}** all in accordance with the application date-stamped (Date) is hereby approved insofar as it relates to the use of the Municipal right of way, interference with public works, or other matter under the jurisdiction of the Bowen Island Municipality (the Municipality), and permission to perform the work is hereby granted to:

(Name)

The said approval and permission to perform the said work is, however, at all times subject to the following conditions:

General Conditions

4. That the performance of the said work is carried out to the satisfaction of the Municipality.
5. That any person appointed by the Municipality for that purpose shall have free access to all parts of the said work for the purpose of inspecting same.
6. That the implementation of the said work shall be completed within six (6) months of the date of this permit to the satisfaction of the Municipality.
7. That the safety, economy, and convenience of the traveling public must at all times be recognized and all traffic control must be undertaken by the permittee to the satisfaction of the Municipality.

8. That where the said work is in the proximity of any bridge, culvert, ditch or other existing work, such work shall not interfere with its proper function, and on the completion of the said work any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
9. That the permittee shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said work, and shall save harmless and keep indemnified the Municipality from all claims and demands whatsoever in respect to the works. **That, prior to proceeding with any excavation, the permittee will be responsible for notifying any utility company whose works may be close to or affected by the installation.**
10. This permission shall not be deemed to vest in the permittee any right, title, or interest whatsoever in or to the lands upon which the work is performed.
8. The permittee shall be responsible for siltation control during the work.
9. The permittee shall be responsible for replacing any survey monuments that may be distributed or destroyed by the work allowed by this permit. Replacement must be by a British Columbia land surveyor at the permittee's expense.
10. Any mud, soil, debris, or other foreign material tracked onto the highway during the work shall be removed by the permittee at his expense, at least daily, or at any time the material unduly inconveniences or creates a hazard for traffic.
13. That upon completion of the work authorized by this permit, the permittee shall request final inspection and acceptance of the work.
14. As security for the due performance of all of the covenants and promises contained in this Permit, the permittee has deposited with the Municipality a security deposit in the amount of \$500.00 in the form of cash, cheque or a Letter of Credit acceptable to the Municipality. The Security Deposit will be returned to the permittee after the work has been completed and the Municipality is satisfied that the Municipal road right of way has been returned to the condition that existed prior to the completion of the works. Should the condition of the Municipal road right of way not be to the satisfaction of the Municipality after the work has been completed, the Municipality may use the Security Deposit to return it to the condition that existed prior completion of the works.

15. That the Permittee shall obtain, maintain and pay for Comprehensive General Liability Insurance, for an amount not less than \$2,000,000 per occurrence. Such insurance shall be primary insurance and shall include the Owner as a named insured and contain a standard form of Cross Liability clause and also provide for 30 days prior notice of cancellation, lapse or material change. Such insurance shall extend to include Blanket Contractual Liability and Tenant's Legal Liability coverage in an amount adequate to cover loss or damage to the works. The Permittee shall, upon the request of the Municipality, provide the Municipality with evidence of insurance in the form of a Province of British Columbia Certificate of Insurance. The Permittee further agrees that if there be a breach of the insurance requirements the Municipality may obtain the necessary insurance coverage on the Permittee's behalf and recover the costs thereof as Additional Fees.

Site Specific Conditions

1. The work must be performed by a suitably qualified Faller.
2. Care must be taken to ensure the overhead lines in the area are not damaged.
3. Traffic must be carefully controlled during the tree cutting to avoid accidents.
4. Only those trees, which because of their age constitute a threat to public health, may be removed.
5. All wood must be removed from the Municipality right of way.

Permit Issued:	Inspection & Acceptance of Permitted Works:
Date:	Date:
Title:	Title: