

“CROSSING CONTROL BYLAW 1996 NO. 5174”

Consolidated Version

1997-JAN-09

Includes Amendment: 5214

CITY OF NANAIMO

BYLAW NO. 5174

A BYLAW TO REGULATE ACCESS TO AND FROM HIGHWAYS
FOR ABUTTING PARCELS OF LAND, AND TO PROVIDE PERMITS

WHEREAS the Council may, by bylaw, regulate the access to and from a highway for adjacent land, including the location and extent of access.

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "CROSSING CONTROL BYLAW 1996 NO. 5174".

2. Definitions

In this Bylaw, unless the context otherwise requires:

"City"	means the City of Nanaimo.
"Access Width"	means the width of Crossing not including taper or curb return radius.
"Boulevard"	means the portion of a highway between the travelled roadway and the boundary of the highway right of way.
"Crossing"	means that portion of a sidewalk or boulevard which is improved for the purpose of vehicular access between a highway and an adjoining parcel of land.
"Crossing Permit"	means a permit to regulate and control the installation of a Crossing.
"Lane"	means a public thoroughfare which affords only a secondary means of access to a lot, at the side or rear thereof and not exceeding a width of 10 metres.
"Frontage"	Means the length of the boundary between a parcel and an adjacent highway or highways.
"Street"	means any public highway, road, square or thoroughfare to which parcels of land abut, but not lanes, walkways or bridges.

Any word or expression in this Bylaw shall have the same meaning as any similar word or expression in the *B.C. Motor Vehicle Act*, the *Municipal Act*, the City of Nanaimo

Zoning Bylaw, or any regulation or schedule pursuant thereto, and in case of conflict the *Municipal Act* shall prevail.

3. Application

- 3.1 No person shall construct, repair, improve or pave a Crossing without being the holder of a Crossing Permit.
- 3.2 An application for a Crossing Permit shall:
 - 3.2.1 be made to the City Engineer;
 - 3.2.2 be accompanied by a non-refundable fee of Twenty (\$25.00) Dollars;
 - 3.2.3 be made by the owner of the parcel adjoining the proposed Crossing;
 - 3.2.4 be made on the application form authorized by the City Engineer for such purpose; and
 - 3.2.5 show the location and width of the Crossing in relation to the parcel frontage served.
- 3.3 Application for a Crossing Permit shall not be construed as approval for construction of the Crossing.

4. Design Requirements

- 4.1 Crossings adjacent to parcels zoned for one family and two family dwellings shall be in accordance with the following:
 - 4.1.1 The number of Crossings to a parcel shall not exceed one for each 25 metres or fraction thereof, of the total frontage of the parcel served.
 - 4.1.2 Crossings Access Width shall be constructed to a maximum width of 6.0 metres and a minimum width of 4.25 metres.
 - 4.1.3 Crossings to a parcel shall be located as per Schedule 'B' to this Bylaw.
- 4.2 Crossings to all other parcels shall be in accordance with the following:
 - 4.2.1 The number of Crossings to a parcel shall not exceed one for each 30 metres or fraction thereof, of the total frontage of the parcel served.
 - 4.2.2 Two way (two-lane) Crossings shall be constructed to a 9.0 metre Access Width, with additional lanes to a width of 3.3 metres per lane. One way (one lane) Crossings shall be constructed to a 5.0 metre Access Width.
 - 4.2.3 Crossings to a parcel shall be located as per Schedule 'B' to this Bylaw
- 4.3 Notwithstanding Sections 4.1 and 4.2, of this Bylaw, all Crossings shall be in accordance with the following:

- 4.3.1 Crossings should be constructed perpendicular to the adjacent curb line, however angled Crossings to parcels are permitted provided the included angle between the Crossing and the edge of pavement on the Street right-of-way is no less than 45 degrees and there is no encroachment on an adjacent parcel's frontage.
- 4.3.2 Loop crossings will be allowed provided that the Crossings meet the requirements of this Section, and that no part of the connecting loop will be on public property.
- 4.3.3 Except in areas where curbs have been installed and where all City services have been completed as determined by the City Engineer, no concrete driveways will be permitted on public property.
- 4.3.4 Crossings shall be constructed in accordance with the City of Nanaimo Manual of Engineering Standards and Specifications.
- 4.3.5 No Crossing shall be permitted through a corner of a parcel or in the same location as a bus-stop.

5. Permit Requirements

- 5.1 A Crossing Permit issued pursuant to the provisions of this Bylaw shall be in the form attached as Schedule 'A' hereto.
- 5.2 The approval and permission to install, use and maintain works for a Crossing is at all times subject to the following conditions:
 - 5.2.1 That the installation and maintenance of the said works is carried out to the satisfaction of the City Engineer.
 - 5.2.2 That the installation of the said works shall be prosecuted with due diligence and completed within 90 days after the issuance of the Crossing Permit.
 - 5.2.3 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 City Engineer.
 - 5.2.4 That where the 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 to the satisfaction of the City Engineer.
 - 5.2.5 If, at any time, a change in land use occurs on the parcel being served by the Crossing, and this results in changes to the type of Crossing operation, peak hour traffic or type of Crossing traffic and the safety and efficiency of street is compromised, the City Engineer may require the permittee to reconstruct or relocate the Crossing to the parcel.

- 5.2.6 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 said works, and shall save harmless and keep indemnified the City from all claims and demands whatsoever in respect of the works.
- 5.2.7 That, after receiving notice in writing of the intention of the City to construct, extend, alter, or improve any public works, the permittee shall within 30 days move or alter works authorized by the Crossing Permit issued under this Bylaw at his own expense to such new position or in such manner as may be necessitated by the construction, extension, alteration or improvement.
- 5.3 Any owner or occupier of real property who proposes to obtain a crossing permit to allow access to a municipal highway for a building or structure when no building permit has been obtained from the City for that building or structure shall, as a condition of access to and use of the highway, prior to issuance of the crossing permit, pay to the City a contribution to assist the City to pay the capital costs of providing, constructing, altering and expanding the City's public highway system in an amount equal to the Development Cost Charges which would be payable to the City but for the absence of a building permit. *(Bylaw No. 5214)*

6. Procedural Provisions

- 6.1 If at any stage of Crossing construction it appears that the further construction as authorized by the Crossing Permit is likely to endanger any utilities, drains, public property streets, easements or lane or is likely to create a condition which would endanger the health or safety of persons or property using the Crossing, the Crossing Permit may be revoked by the City Engineer. The permittee may be required as a condition of continuing the work to take adequate precautions as specified by the City Engineer to prevent such danger.
- 6.2 The City Engineer is hereby authorized to enter at all reasonable times onto any parcel being served by a Crossing to ascertain whether the provisions of this Bylaw are being observed.
- 6.3 If, after 14 days of receiving written notification by the City, the permittee fails to comply with the conditions of a Crossing Permit issued under this Bylaw, the City may correct or remove any work done that does not comply with the permit, at the cost of the permittee, and recover the expense.

- 6.4 Any person who contravenes any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provisions of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, commits an offence, is liable, on summary conviction, to a fine not exceeding Two Thousand (\$2,000) Dollars; or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule 'C' of this Bylaw.
(Bylaw No. 5214)

7. Repeal

"CROSSING CONTROL BYLAW 1990 NO. 3719" and amendments thereto are hereby repealed.

SCHEDULE 'A'

PERMIT TO INSTALL, USE AND MAINTAIN ACCESS TO A CITY STREET

Permit Number:



The information on this form is collected under the authority of the Municipal Act, Section 579. The information provided will be used to process your application for an Access Permit. If you have any questions about the collection and use of this information, contact:

City Clerk
455 Wallace Street
Nanaimo, B. C., V9R 5J6 Ph: 755 - 4405

**CITY OF NANAIMO
PERMIT**

TO INSTALL, USE, AND MAINTAIN ACCESS TO A CITY STREET

The works comprising: _____

at the following location: _____

are hereby approved insofar as they relate to the use of street right-of-way, and permission to install, use, maintain and operate the said works is hereby granted to:

Permittee _____

Address of Permittee: _____

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

1. That the installation and maintenance of the said works is carried out to the satisfaction of the City Engineer.
2. That the installation of the said works shall be commenced on or after _____ and shall be prosecuted with due diligence and completed on or before _____.
3. 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 City Engineer.
4. 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 to the satisfaction of the City Engineer.
5. 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 said works, and shall save harmless and keep indemnified the City of Nanaimo from all claims and demands whatsoever in respect of the works.

6. That, after receiving notice in writing of the intention of the City 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 improvements.
7. The access (or accesses) shall be gravelled to an extent satisfactory to the City Engineer to prevent the tracking of mud and soil onto the street surface.
8. The access (or accesses) shall be paved to the satisfaction of the City Engineer.
9. The final grades for this street have not been established by the City of Nanaimo. The City will not assume any liability for safeguarding or replacing this driveway pavement if the street is reconstructed.
10. Service valves or other public utilities which may be within the location of the access shall not be covered over or their accessibility hindered in any other way by the construction of the access.
11. The applicant to contact Works Inspector at City Works Yard (756-5321) to arrange for on-site inspection prior to the pouring of concrete or installation of asphalt with regards to this permit.
12. That the following additional provisions may apply and form part of the permit where applicable:

No culvert required - may be required in future at owner's cost.

No culvert required - access to crossfall at 2% to the curb for a distance of five feet for future sidewalk considerations.

Maintain a depression or swale along the total frontage of this property to alleviate drainage water running onto property from the road and drainage from property running onto the road.

Construct driveway with a side slope to ensure it drains into the ditch and NOT onto the road.

No concrete driveway shall be placed on City property.

The access (or accesses) shall be constructed with _____ mm galvanized corrugated steel culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the permittee.

The profile of the access (or accesses) shall be at the crossfall of the pavement for at least _____ metres from the street centreline.

The crossline (or crossings) shall be constructed of standard concrete drop-curb and sidewalk crossing, to the satisfaction of the Director of Public Works.

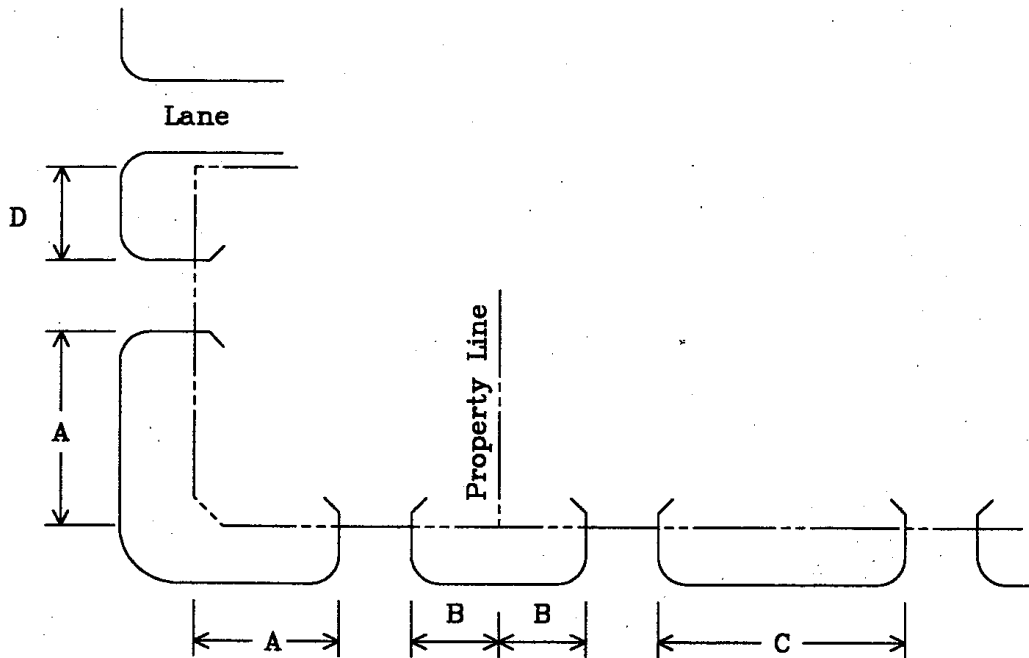
for City Engineer

CROSSING CONTROL BY 1996, No. 5174

SCHEDULE 'A'

SCHEDULE 'B'

LOCATION OF CROSSINGS



Road Classification	Crossing Locations							
	To Parcels Zoned For One & Two Family Dwellings				To All Other Parcels			
	A	B	C*	D	A	B	C*	D
Urban Arterial	18.0	5.0	27.0	5.0	18.0	5.0	27.0	5.0
Urban Collector	14.0	1.5	9.0	5.0	18.0	1.5	13.0	5.0
Local	8.0	1.5	9.0	5.0	14.0	1.5	9.0	5.0

Urban Arterial and Urban Collector Road Classifications are defined on the Major Road Network Schedule of the City of Nanaimo Official Community Plan. For the purpose of this Bylaw, all other roads are considered Local.

All distances are minimum and in metres.

* Denotes minimum distance between crossings on one parcel.

SCHEDULE 'C'
(Bylaw No. 5214)

FINE SCHEDULE

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Construct/maintain crossing without permit	3(1)	\$100.00
Crossing not conform to permit	4(1)	\$100.00
Fail to remove illegal crossing	5(2)(j)	\$100.00