



**CORPORATION OF THE VILLAGE OF MCBRIDE  
SUBDIVISION AND DEVELOPMENT SERVICING  
BYLAW NO. 704, 2010**

**FINAL**

**THE VILLAGE OF MCBRIDE**

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BYLAW NO. 704, 2010**

**A Bylaw of the Village of McBride to regulate the subdivision of land, require the provision of works and services in the subdivision and development of land, and prescribe the standards for infrastructure works and services.**

**WHEREAS** pursuant to the provisions of the *Community Charter* and the *Local Government Act*, Village Council may by Bylaw delegate powers to an Approving Officer;

**AND WHEREAS** pursuant to the provisions of the *Local Government Act*, Village Council may, by Bylaw, regulate Works and Services, vary the standards of Works and Services, require payment of fees and charges and require the provision of extended or excess services.

**NOW THEREFORE**, the Council of the Village of McBride in open meeting assembled, **ENACTS AS FOLLOWS:**

**1.0 Title**

This Bylaw may be cited as the “The Village of McBride Subdivision and Development Servicing Bylaw No. 704, 2010”.

**2.0 Repeal**

"The Village of McBride Subdivision Servicing Bylaw No. 428, 1988" and all amendments thereto are hereby repealed.

**3.0 Definitions**

**3.1** Definitions for key words and phrases not contained in legislation or other Village Bylaws are listed in Schedule A.

**4.0 General**

**4.1** Unless otherwise defined herein, all words or expressions in this Bylaw shall have the same meaning as any similar words or expressions contained in the *Land Title Act*, the *Community Charter*, the *Local Government Act* and the *Strata Property Act*.

**4.2** Words in this Bylaw directing or empowering any officer of the Village to do any act or thing, or otherwise applying to him by name of office, include his successors in such office and his lawful deputy, and any person the Council may from time to time by Bylaw or resolution designate to act in his place.

- 4.3 Headings for each section of this Bylaw are intended to organize the content and are to be used for reference purposes only.
- 4.4 Wherever the singular or masculine form of a word is used, it shall also mean the plural or feminine form of the word as the case may be. All words are intended to be gender neutral.
- 4.5 The provisions of this Bylaw shall apply to the whole of the territorial area of the Village of McBride.

## **5.0 Approving Officer and Authorized Person**

- 5.1 The Approving Officer appointed by Council pursuant to the provisions of the *Land Title Act* shall be responsible for administration of this Bylaw.
- 5.2 Pursuant to the provisions of the *Community Charter* and the *Local Government Act*, Council delegates to the Approving Officer its authority to exempt a Parcel from the statutory minimum highway frontage of ten percent of the perimeter of the parcel.
- 5.3 Pursuant to the provisions of the *Community Charter* and the *Strata Property Act*, Council delegates to the Approving Officer its authority to approve the conversion of previously occupied residential, commercial and industrial buildings to strata ownership subject to appropriate zoning.
- 5.4 When agreements and covenants are required by the Village at the time of approval of a subdivision, the Approving Officer shall not accept any alterations to the form of agreements and covenants contained in Schedule F unless approved by the Authorized Person. Council delegates to the Authorized Person the authority to approve changes to the template forms for right of way agreements, works and services agreements, covenants, latecomer agreements, etc., provided in Schedule F.

## **6.0 Subdivision and Development Servicing**

### **6.1 Subdivision Works and Services**

An Applicant or Owner who intends to subdivide land within the Village of McBride required to seek approval for such subdivision in accordance with this section 6.1 and to provide works and services in accordance with section 7.0.

#### **6.1.1 Subdivision Application**

**6.1.1.1** An Applicant or Owner who intends to subdivide land under the *Land Title Act* shall seek approval for subdivision from the Approving Officer.

- 6.1.1.2 An Applicant or Owner who intends to subdivide land by the deposit of a strata plan in the land title office under the *Strata Property Act* shall seek approval for subdivision from the Approving Officer.
- 6.1.1.3 An Applicant or Owner who, under the *Strata Property Act*, intends to include in a strata plan a previously occupied building shall make application for strata conversion to the Approving Officer.
- 6.1.1.4 Application and processing fees in accordance with Schedule G are payable at the time of Application submission to the Approving Officer. Review of the Application may only proceed when fees have been paid in full.
- 6.1.1.5 Should the Authorized Person determine that a Consulting Engineer is to be retained by the Owner to design and certify that the required Works and Services are installed in accordance with this Bylaw, a Letter of Assurance shall be submitted by the Consulting Engineer confirming that he is responsible for the design and has been retained by the Owner to provide enough resident supervision to enable him to certify that the works are constructed in accordance with this Bylaw and with the design, specifications and drawings accepted by the Authorized Person and that he will immediately advise the Authorized Person if he is removed from the project.

## **6.1.2 Subdivision Approval – Village Requirements**

- 6.1.2.1 When works and services are required within adjacent or perimeter roads, the Owner shall apply and pay for the installation of the required works and services in accordance with Schedule G of this Bylaw, with Village of McBride Bylaw No. 614, 2001 (Sewer Bylaw) and with Village of McBride Bylaw No. 507, 1992 (Water Bylaw) as amended or replaced from time to time.
- 6.1.2.2 When the extension of works and services is required within the adjacent or perimeter road or Village right-of-way, and the Authorized Person requires that the required works and services be performed by the Village at the Owner's cost, the Owner shall enter into an agreement with the Village to construct the works and services in Form C of Schedule F. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the Village.
- 6.1.2.3 Design drawings and a construction schedule for the required works and services, required by the Authorized Person for review prior to construction, shall be prepared by a Professional Engineer in accordance with Schedule E.

**6.1.2.4** Examination fees, inspection fees, and sign installation fees in accordance with Schedule G are payable at the time of Subdivision Approval to the Approving Officer.

**6.1.2.5** If the Owner has not completed the required Works and Services at the time of Subdivision Approval, the Owner shall enter into an agreement with the Village in Form A of Schedule F and provide security as described in the agreement and as defined in Schedule A. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the Village.

**6.1.2.6** Unless the installation or construction of the works and services are performed by the Village, the Owner shall submit to the Authorized Person at the time of Subdivision Approval the following:

- (a) Record drawings and documentation as required by the Authorized Person in accordance with Section 9.1;
- (b) The Engineer's Certificate of Substantial Completion in accordance with Section 9.2 of this Bylaw;
- (c) Security for:
  - (i) Any outstanding Works and Services, including record drawings or documentation, in the amount of 125% of the cost of the outstanding works as determined by the Engineer and accepted by the Authorized Person;
  - (ii) The Performance Test Period of works and services provided by the Owner in accordance with Section 9.3;
- (d) Where applicable, approvals from federal and provincial government agencies with respect to the acceptance of water systems servicing, the protection of streams and the acceptance of onsite sanitary sewage disposal systems; and
- (e) When required by the Authorized Person, letters of acceptance of the works and services from utility companies.

### **6.1.3 Strata Conversion Approval**

**6.1.3.1** Examination fees, and inspection fees in accordance with the Schedule G are payable at the time of approval of a strata conversion to the Approving Officer.

**6.1.3.2** In making his decision, the Approving Officer may require the Owner or Applicant to retain the services of a qualified Professional Engineer or

Architect to inspect the premises and prepare and certify a report on the integrity and condition of the building structure, the condition of the heating, ventilation and air conditioning system, the condition and integrity of the plumbing system, the condition and R-rating of building insulation, the status of or requirement for firewalls, Building Code deficiencies, estimated costs to improve the building to Building Code standards and any other information that will assist the Approving Officer in making his decision with respect to the proposed conversion;

## **6.2 Development Works and Services**

An Applicant or Owner who intends to develop land, not involving a subdivision, within the Village of McBride is required to apply for a building permit in accordance with this section 6.2 and provide offsite works and services in accordance with section 7.0. The requirements for works and services under this section are limited to development as defined in Schedule A.

### **6.2.1 Development Application**

**6.2.1.1** An Applicant or Owner who intends to develop land shall make a building permit application to the Building Inspector in accordance with the Building Bylaw No. 616, 2002.

**6.2.1.2** Application and processing fees in accordance with Schedule G and with Bylaw No. 616, 2002 are payable at the time of Application submission to the Building Inspector. Review of the Application may only proceed when fees have been paid in full.

**6.2.1.3** Should the Authorized Person determine that a Consulting Engineer is to be retained by the Owner to design and certify that the required Works and Services are installed in accordance with this Bylaw, a Letter of Assurance shall be submitted by the Consulting Engineer confirming that he is responsible for the design and has been retained by the Owner to provide enough resident supervision to enable him to certify that the works are constructed in accordance with this Bylaw and with the design, specifications and drawings accepted by the Authorized Person and that he will immediately advise the Authorized Person if he is removed from the project.

### **6.2.2 Development Approval – Village of McBride Requirements**

**6.2.2.1** When works and services are required within adjacent or perimeter roads, the Owner shall pay for the installation of the required works and services in accordance with Schedule G.

**6.2.2.2** When the extension of works and services is required within the adjacent or perimeter road or Village right-of-way, and the Authorized Person

requires that the required works and services be performed by the Village at the Owner's cost, the Owner shall enter into an agreement with the Village to construct the works and services in Form C of Schedule F. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the Village.

**6.2.2.3** Design drawings and a construction schedule for the required works and services, required by the Authorized Person for review prior to construction, shall be prepared by a Professional Engineer in accordance with Schedule E.

**6.2.2.4** Examination fees, inspection fees, and sign installation fees in accordance with Schedule G are payable at the time of Development Approval to the Building Inspector.

**6.2.2.5** If the Owner has not completed the required Works and Services at the time of issuance of the building permit, the Owner shall enter into an agreement with the Village in Form B of Schedule F and provide Security as described in the agreement. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the Village.

**6.2.2.6** Unless the installation or construction of the works and services are performed by the Village, the Owner shall submit to the Authorized Person at the time of Development Approval the following:

- (a) Record drawings and documentation as required by the Authorized Person in accordance with Section 9.1;
- (b) The Engineer's Certificate of Substantial Completion in accordance with Section 9.2 of this Bylaw;
- (c) Security for:
  - (i) Any outstanding Works and Services, including record drawings or documentation, in the amount of 125% of the cost of the outstanding works as determined by the Engineer and accepted by the Authorized Person;
  - (ii) The Performance Test Period of works and services provided by the Owner in accordance with Section 9.3;
- (d) Where applicable, approvals from federal and provincial government agencies with respect to the acceptance of water systems servicing, the protection of streams and the acceptance of onsite sanitary sewage disposal systems;

- (e) When required by the Authorized Person, letters of acceptance of the works and services from utility companies; and
- (f) If requested by the Building Inspector or Authorized Person, a site grading plan, storm water management plan, erosion control plan, sedimentation control plan and drawings showing provision for oil/water and sedimentation separators for drainage systems, and water servicing drawings showing provision for water supply backflow prevention, all prepared by the Consulting Engineer.

### **6.3 Latecomer Agreement**

- 6.3.1** Council delegates to the Authorized Person its authority to determine under Section 939 (5) of the *Local Government Act* the proportion of the cost of providing works that constitute an excess or extended service, to identify benefiting lands, to determine the amount of latecomer charges payable upon the development of benefiting lands, and to prepare and to execute a Latecomer Agreement.
- 6.3.2** If the Owner intends to have the Authorized Person prepare a Latecomer Agreement, the Owner must provide all background information and reports necessary to allow the Authorized Person to determine the excess or extended capacity services that are provided, the lands that are benefiting from the excess or extended services, the costs of providing the excess or extended services, and the charge payable for any future connection.
- 6.3.3** The Owner's Consulting Engineer shall provide certified actual costs for the excess or extended Works and Services being provided, as well as estimates of the costs that are excess to the Owner's requirements, the area of each Parcel benefiting from the Works and Services and a recommendation on the term of the Agreement.
- 6.3.4** For the purposes of a latecomer agreement, interest shall be calculated as defined in Schedule A.

## **7.0 Works and Services Requirements**

### **7.1 General Provisions**

- 7.1.1** In accordance with the Official Community Plan, the required Works and Services to be provided by the Owner for subdivision and development throughout the Village, unless otherwise exempted in Section 7.2, are listed by Official Community Plan designation in Table 1.
- 7.1.2** Where applicable, the Works and Services provided shall:



- (a) be connected to all Parcels created by Subdivision, unless exempted under Section 7.2;
- (b) be fully completed on all Highways within the Subdivision or Development;
- (c) to the centerline of the Highway where the Works and Services are required within a Highway adjacent to the Subdivision or Development, to the standards prescribed in Schedule C and Schedule D;
- (d) be connected by water, sanitary sewage or drainage mains to the Village's systems in accordance with the standards prescribed in Schedule C – “Infrastructure Specifications” and Schedule D – “Standard Infrastructure Drawings” of this Bylaw;
- (e) provide for extensions and connections of the works and services to Parcels and systems beyond the proposed Subdivision or Development and, where necessary, Excess or Extended Services may be required, at the cost of the Owner; and
- (f) be connected to the appropriate electric power, telephone and cablevision utility works.

## **7.2 Works and Services Exemptions**

**7.2.1** The Authorized Person may determine that the Owner is not required to provide, or to upgrade, municipal water works, municipal sewage disposal works, storm sewer works, highway works, street lighting, or underground distribution system wiring for electric power, telephone or cablevision utilities where such works already exist and do not fully meet the standards prescribed in Schedule C – “Infrastructure Specifications” and Schedule D – “Standard Infrastructure Drawings” of this Bylaw, provided that:

- (a) the existing works provide sufficient or excess capacity to service the adjacent developed properties as calculated the Consulting Engineer and accepted by the Authorized Person;
- (b) the Owner’s subdivision or development does not lower the level of service enjoyed by the existing, adjacent developed properties;
- (c) the existing level of service is not contrary to the requirements of the Official Community Plan, Schedule A, Bylaw No. 566, 1997.

**TABLE 1**  
**WORKS AND SERVICES REQUIRED FOR SUBDIVISION AND DEVELOPMENT**

Official Community Plan Designation	Signage	Asphalt Paving	Curb & Gutter	Sidewalk	Streetlighting	Boulevard Landscaping	Storm Sewer	Ditching	Village Water Distribution	Village Sanitary Sewage Collection	On-Site Domestic Water	On-Site Sewage Disposal	Underground Power/Tel/Cable
AG Agriculture	√	√						√					
RSH Rural Small Holdings	√	√						√			√	√	
RR Rural Residential	√	√						√	√			√	
R Residential	√	√			√			√	√	√			
UR Urban Residential	√	√	√	√	√	√	√		√	√			√
HC Highway Commercial	√	√			√			√	√	√			
LC Local Commercial	√	√	√	√	√	√	√		√	√			√
MC Main Street Commercial	√	√	√	√	√	√	√		√	√			√
PD Public Development*	√	√	√	√	√	√	√		√	√			√
LI Light Industry	√	√						√			√	√	
HI Heavy Industry	√	√						√			√	√	

"√" denotes works and services required for development within the Official Community Plan designation

\* works and services for Public Development designation at the airport and surrounding the airport shall meet the requirements for Light Industry designation.

### 7.3 Highways Works

**7.3.1** All Highways provided by the Owner shall be constructed in accordance with the standards and specifications as defined in Schedule C – “Infrastructure Specifications” and Schedule D – “Standard Infrastructure Drawings” of this Bylaw.

**7.3.2** The Owner shall provide without compensation land for Highway purposes, in accordance with section 945 (2) of the *Local Government Act*. Where the Village requires road widths to meet the Desired Maximum as indicated in section 7.3.3, the Authorized Person shall arrange compensation for the provision of the land for highway purposes with the Owner.

**7.3.3** All dedicated Highway widths shall be as specified below:

<b>Highway Description</b>	<b>Minimum Width</b>	<b>Desired Maximum Width</b>
Downtown Commercial	25 metres	25 metres
Collector	20 metres	25 metres
Local	20 metres	20 metres
Lane	6 metres	10 metres
Walkway *	3 metres	6 metres
* includes pathways, trails and bicycle paths		

**7.3.4** The minimum pavement, shoulder and boulevard widths for the classification of Highway shall be as specified in Schedules C and D of this Bylaw.

#### **7.4 Drainage**

**7.4.1** The Drainage collection and disposal services shall be provided in accordance with Schedules C and D of this Bylaw.

**7.4.2** An application, with the payment of an Application Fee in accordance with Schedule G, for connection to the Village's existing Storm Sewer facilities shall be made by the Owner, or Applicant, to the Authorized Person.

**7.4.3** An existing drainage facility shall not be assumed, in the design of drainage works required by this Bylaw, to have adequate capacity to receive the design flow, nor to be acceptable to the Village. Existing undersized or otherwise inadequate drainage facilities shall be upgraded to accommodate the appropriate flow as required for the Subdivision or Development.

**7.4.4** The design of drainage management systems for the proposed development or subdivision and lot grading drawings for each lot created by subdivision shall be prepared by a qualified Professional Engineer and to the satisfaction of the Authorized Person. Works to incorporate the drainage management system shall be installed by the Applicant, or Owner, to the satisfaction of the Authorized Person prior to Subdivision Approval or Issuance of a Building Permit.

**7.4.5** Where the Authorized Person, in consultation with the Ministry of Transportation and Infrastructure deems a need, a traffic impact study will be required.

**7.4.6** On-site storm water sub-surface recharge systems or detention ponds may be required or provided to reduce or regulate discharge into the Village's storm sewer system. Such systems shall be designed by a qualified Professional Engineer with expertise in hydrology, soils, lot grading and drainage systems. No sub-surface recharge systems shall be installed in locations where potable water well contamination is deemed to be a risk by the Authorized Person. All proposed

recharge and detention pond systems are subject to approval by the Authorized Person prior to Subdivision Approval or Issuance of a Building Permit.

- 7.4.7** To restrict the conveyance of sedimentation from Development Parcels to the Village's Drainage system during construction, a drainage and erosion control facility approved by the Authorized Person shall be provided prior to commencement of construction to ensure all construction site runoff is directed to temporary settlement facilities to remove silts and sediments.
- 7.4.8** The Authorized Person may waive the requirements of section 7.1.2 (d) where the storm sewer servicing extension to lands beyond is not practical because of topographic, soil constraints or other constraints deemed appropriate by the Authorized Person.

## **7.5 Sanitary Sewage Servicing and Onsite Sewage Disposal**

- 7.5.1** Extension of the Village sanitary sewage collection system, where required for a subdivision or development of lands under a land use designation in Table 1, shall be designed in accordance with Schedules B, C and D of this Bylaw and all applicable Provincial and Federal regulations.
- 7.5.2** An application in accordance with The Village of McBride Sewer Rates and Regulations Bylaw No. 614, 2001 and the Village of McBride Sewer Rates Amendment Bylaw No. 687, 2009 and as amendment or replaced from time to time, for connection to the Village's existing Sanitary Sewer facilities shall be made by the Owner, or Applicant, to the Authorized Person.
- 7.5.3** Connection to the Village's existing Sewage facilities shall be in accordance with the terms and conditions set out in the Village's Sanitary Sewer Bylaw No. 614, 2001 and Amendment Bylaw No. 687, 2009, as amended or replaced from time to time, and in Schedules B, C and D of this Bylaw.
- 7.5.4** Where privately owned on-site sewage facilities are allowed in Table 1, the facilities shall be designed and constructed in accordance with the requirements and performance criteria of the local Ministry of Health authority having jurisdiction.
- 7.5.5** The Authorized Person may waive the requirements of section 7.1.2(d) where the sanitary sewer servicing extension to lands beyond is not practical because of topographic, soil constraint or other constraints deemed appropriate by the Authorized Person.

## **7.6 Water Servicing and Private Wells**

- 7.6.1** Extension of the Village water distribution system, where required for a subdivision or development of lands under a land use designation in Table 1 shall be designed and approved in accordance with Schedules B, C and D of this Bylaw

and the requirements of the *Drinking Water Protection Act* and the *Drinking Water Protection Regulation*.

- 7.6.2** An application, in accordance with the Village of McBride Water Rates and Regulation Bylaw No. 462, 1989 and Village of McBride Water Rates and Regulation Amendment Bylaw No. 688, 2009 and as amended or replaced from time to time, for connection to the Village's existing water system facilities shall be made by the Owner, or Applicant, to the Authorized Person.
- 7.6.3** Connections to the Village's existing Waterworks facilities, and use of Village water for testing, disinfection and flushing purposes shall be in accordance with the terms and conditions set out in the Village of McBride Water Rates and Regulation Bylaw No. 462, 1989 and Village of McBride Water Rates and Regulation Amendment Bylaw No. 688, 2009 and as amended or replaced from time to time, and in Schedules B, C and D of this Bylaw.
- 7.6.4** When connection to the Village water system is required, or is requested by the Owner and approved by the Authorized Person, the Development Parcels or the Parcels created by Subdivision shall be provided with a Waterworks system that meets the maximum-day water demand and fire protection requirements established in Schedules B and C of this Bylaw, the Village of McBride Water Rates and Regulation Bylaw No. 462, 1989 as amended or replaced from time to time, the British Columbia Building Code and all applicable fire code regulations.
- 7.6.5** Where the provision of privately owned Waterworks by the Owner or Applicant are acceptable under Table 1 or required for a strata development, the facilities shall be designed and constructed in accordance with the requirements of the *Drinking Water Protection Act* for the supply of potable water as determined and approved by the local Ministry of Health authority having jurisdiction. The Owner's or applicant's Consulting Engineer shall verify and certify in writing the sufficiency and capacity of the privately owned Waterworks for the uses intended, including domestic supply, fire protection and any other demands.
- 7.6.6** Where private wells to supply domestic water for new development or lots created by subdivision may be provided in accordance with Table 1:
- a) one well per residential lot shall be provided at the time of approval of subdivision;
  - b) the Authorized Person may allow one well per every two non-residential lots to prove the availability of a domestic water source within the subdivision;
  - c) each well must be able to produce a minimum continuous flow rate of 15 litres per minute;
  - d) for each well developed, water quality tests shall be submitted to and approved in writing by the local health authority prior to approval of subdivision;

- e) prior to approval of subdivision, the Owner's or Applicant's Consulting Engineer shall verify and certify that the requirements of a) are satisfied, that each well provided meets the capacity requirements in c) and that each well provided satisfies the requirements of the *Water Act* and the *Groundwater Protection Regulation* of the *Water Act*.

## **7.7 Other Services**

Other services that are integral parts of Highways, Sewage, Drainage and Waterworks facilities, shall be designed by the Consulting Engineer and provided by the Owner in accordance with the standards and specifications set out in Schedules B, C and D of this Bylaw.

## **7.8 Rights-of-Way, Covenants and Easements**

The Owner shall pay for the cost of legal surveys, legal fees and registration of all Rights-of-Way, Covenants and Easements required by the Authorized Person for subdivision or development.

## **8.0 Parkland**

- 8.1** Parkland shall be provided by the Owner or Applicant of a subdivision of land in accordance with the Local Government Act. The Authorized Person is delegated by Council to represent the Village of McBride to determine the location and shape of the parkland parcel, or parcels, to be provided or to determine the amount of cash in lieu of parkland at the time of signing the plan of subdivision.

## **8.2 Servicing Requirements**

- 8.2.1** A park land parcel(s) or area dedicated as park on a subdivision plan shall be serviced by the Owner or Applicant at no cost to the Village with connections to the property line for water, sanitary sewer and storm sewer in the size up to but not exceeding 150 mm for water, 150 mm for sanitary sewer, 200 mm for storm sewer and a single phase electrical service.
- 8.2.2** Final sizes and locations of services to park land will be determined by the Authorized Person prior to construction and installation by the Owner.

**8.2.3** The Authorized Person may waive the requirement for servicing parkland if the park is provided for green space, linear buffer or trails.

## **9.0 Owner's Responsibility**

The Owner and the Owner's Consulting Engineer shall complete all reports, designs, specifications and supporting documentation related to the provision of all required Works and Services for any Subdivision or Development.

The Owner and Consulting Engineer shall coordinate their design and construction work with the works and services provided by utility companies including those that provide electric power, telecommunications and natural gas.

### **9.1 Record Drawings and Documentation**

**9.1.1** The Consulting Engineer shall prepare and submit as described in Schedule E sealed infrastructure record drawings of all completed Works and Services, and Service Cards providing Parcel servicing details. The as-constructed record drawings shall be sealed by the Consulting Engineer certifying that all of the Works and Services have been installed to the standards and specifications prescribed by this Bylaw and approved by the Authorized Person, and that the construction was completed under the Consulting Engineer's direct supervision.

**9.1.2** The as-constructed record drawings shall be submitted within 30 days following the Consulting Engineer's submission of the Certificate of Substantial Completion. If the drawings are not submitted, the works and services shall be considered deficient and security in the amount required to prepare the record drawings may be held by the Authorized Person until the record drawings are submitted to the satisfaction of the Authorized Person.

**9.1.3** As required by the Authorized Person, the Consulting Engineer shall submit documentation prepared by him or other specialists, consultants, and testing firms, prior to and during the installation of the Works and Services, including engineering reports, inspection reports, materials testing reports, lot grading reports, environmental monitoring reports, design briefs, shop drawings, operation and maintenance manuals, and other reports, which provide a historical account of the installation and construction activities and support the Consulting Engineer's certification of the Works and Services in accordance with this Bylaw.

### **9.2 Certificate of Substantial Completion**

**9.2.1** The Consulting Engineer shall submit a Certificate of Substantial Completion sealed by a Professional Engineer in a form acceptable to the Authorized Person, which:

- (a) certifies that all of the Works and Services were installed to the standards and specifications prescribed by this Bylaw and approved by the Authorized Person;
- (b) certifies that the necessary inspections, testing, cleaning of piping, disinfection of potable water systems, and other procedures as required, including approvals by regulatory Provincial and Federal agencies, have been conducted and that the Works and Services are safe and acceptable for public use;
- (c) certifies that the construction was completed under the Consulting Engineer's direct supervision,
- (d) provides, to the satisfaction of the Authorized Person, a description of any outstanding and deficient Works and Services; and
- (e) provides, to the satisfaction of the Authorized Person, a cost estimate, sealed by a Professional Engineer, for any deficient or outstanding Works and Services.

**9.2.2** Following review of the documentation submitted and any field investigations he may deem necessary, the Authorized Person may acknowledge receipt and acceptance of the Consulting Engineer's Certificate of Substantial Completion by issuing a Notice of Construction Completion, the date of which shall mark the beginning of the Performance Test Period.

### **9.3 Performance Test Period and Security**

**9.3.1** The Owner shall provide Security, as defined in Schedule A, in the amount of 15% of the actual costs certified by the Consulting Engineer for all Works and Services provided and installed by the Owner, for a period of one year from the date of issuance of the Notice of Construction Completion (the "Performance Test Period").

**9.3.2** The Owner shall maintain and make repairs to any Works and Services that do not continue to meet the minimum standards and specifications during the Performance Test Period.

**9.3.3** If the Owner fails to make repairs within 30 days for non-emergency Works from the date when requested to do so in writing by the Authorized Person, or, in the case of emergency situations, within two hours of receiving verbal notification of the emergency, then the Village, using its own forces or a contractor hired by the Village, may make the necessary repairs and recover the costs by billing the Owner for the cost of the repair. If the Owner fails to pay the cost of the repair, the Village will recover the costs by drawing down the Security.



- 9.3.4** The Authorized Person shall signify completion of the Subdivision or Development works and services requirements by issuing a Notice of Final Acceptance for all Works and Services, which shall be owned, operated and maintained by the Village once the Performance Test Period is over and all Works and Services, in the judgment of the Authorized Person, are performing as originally intended.
- 9.3.5** Provided that the requirements of section 9.3.4 are met, the Performance Security shall be released when the Notice of Final Acceptance is issued.
- 9.3.6** If at the end of the Performance Test Period all or some of the works and services are not performing as originally intended, the Authorized Person at his or her discretion may extend the Performance Test Period for all or some of the works and services. The Security will be held by the Village over the extended Performance Test Period, and the Authorized Person may proportionately reduce the amount of Security at his discretion.
- 9.3.7** If the works and service are constructed or installed by the Owner between October 1 and April 15, the Consulting Engineer shall provide supporting documentation and testing information acceptable to the Authorized Person in respect of the cold weather construction practices employed by the Owner, and the Authorized Person at his or her discretion may extend the Performance Test Period for all or some of the works and services. The Security will be held by the Village over the extended Performance Test Period, and the Authorized Person may proportionately reduce the amount of Security at his discretion.

## **10.0 Severability**

If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any such decision shall not affect the validity of the remaining portions of this Bylaw.

## **11.0 Offence and Penalty**

Any person contravening or committing any breach of or committing any offence against any 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 refuses, omits or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this Bylaw prescribed or imposed or required to be done is liable, on summary conviction, to a fine not exceeding \$10,000.00 or to a term of imprisonment not exceeding three months, or both; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.

**READ A FIRST TIME this 22<sup>nd</sup> day of June 2010.**

**READ A SECOND TIME this 22<sup>nd</sup> day of June 2010.**

**READ A THIRD TIME this 13<sup>th</sup> day of July 2010.**

**ADOPTED this 27<sup>th</sup> day of July 2010, by a decision of all members of Village of McBride Council present and eligible to vote.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

**Schedule A**  
**Schedule B**  
**Schedule C**

**Schedule D**  
**Schedule E**  
**Schedule F**  
**Schedule G**

**All completed by Radloff & Associates Engineering.**

**Copies with original bound copy.**