

District of West Vancouver



## **Driveway Crossing Bylaw No. 3748, 1992**

Effective Date – June 3, 1992

### **Consolidated for Convenience Only**

This is a consolidation of the bylaws below. 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.

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 3783, 1992	December 16, 1992
Bylaw No. 3851, 1994	January 10, 1994
Bylaw No. 3922, 1995	March 27, 1995
Bylaw No. 3978, 1996	February 12, 1996

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw Driveway Crossing Bylaw No. 3748, 1992. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

District of West Vancouver

# Driveway Crossing Bylaw No. 3748, 1992

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District of West Vancouver

# Driveway Crossing Bylaw No. 3748, 1992

A bylaw to prohibit, control, regulate and set fees for crossings over sidewalks, streets and boulevards.

*Amendment Bylaws: 3783, 3851, 3922, and 3978.*

WHEREAS the *Municipal Act* Section 579 provides for the regulation of the construction and maintenance of boulevards;

AND WHEREAS the *Municipal Act* Section 311 provides for the recovery of expenses incurred by the District in the same manner as Municipal taxes;

NOW THEREFORE the Municipal Council of the Corporation of the District of West Vancouver, in open meeting assembled, enacts as follows:

## Interpretation

1. In the construction and for the purposes of this bylaw the following words shall have the meanings hereinafter assigned to them:
  - a) "**Engineer**" shall mean the Director of Operations of the District appointed by Council;
  - b) "**Council**" shall mean the Council of The Corporation of the District of West Vancouver;
  - c) "**person**" shall include any corporation, partnership or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law;
  - d) The "**District**" or "**Corporation**" or "**Municipality**" shall mean The Corporation of the District of West Vancouver;
  - e) "**commercial crossing**" means any crossing to real property used for other than one or two family residential purposes;
  - f) "**crossing**" means a part of a highway which is improved for the purpose of affording vehicular or pedestrian access from the constructed road or lane on such highway to real property abutting thereon;

- g) **"highway"** includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches and any other public way.

## General

2. No person shall excavate for, construct, or use any crossing until such person has received authorization from the Engineer pursuant to this bylaw, which authorization may be revoked at any time pursuant to this bylaw.
3. Any person desiring to excavate for, construct or use any crossing shall submit to the Engineer a written application therefore, together with such plans and specifications showing the detail thereof as may be required by the Engineer. Upon the Engineer being satisfied as to the safety and advisability of such crossing, and that it meets the standards of this bylaw, he may, upon payment of the fees as shown in Schedule "A", authorize the construction of the crossing.
4. The following standards shall apply to all crossings:
  - a) Vehicular crossings shall have a maximum gradient of 20% with a maximum of 2% within 2 metres of curb or edge of pavement.
  - b) Crossings constructed of materials other than asphalt, gravel or crushed stone shall have construction joints at the property line and 2 metres behind the curb or edge of pavement. If reinforcing steel is used it shall not be continuous through the construction joint.
  - c) No raised curbing or retaining walls shall be constructed within 2 metres of the curb or edge of pavement.
  - d) Surface drainage shall be controlled and directed into a drainage system and not allowed to flow onto the road pavement.
  - e) Plans for driveway heating coils shall be submitted to the Engineer for approval. All coils located within a highway shall be on a separate circuit from those coils within private property.
  - f) All crossings shall be kept in good order and repair and shall not be constructed or maintained in such a way as to present a hazard to the public.

5. The right of any person to construct, maintain or use any crossing shall be subject at any and all times to the right of the District, its agents or servants, to enter upon the real property of the owner abutting the crossing, for the purpose of constructing, inspecting, maintaining or removing the said crossing, as well as constructing, maintaining, inspecting or removing any public works or utilities that have been or may be installed above or below the said crossing. In the exercise of these rights the District shall only replace or repair a disturbed crossing with gravel, crushed stone or asphalt. Replacement of brick pavers, concrete, heat coils, light fixtures, gates, posts, landscaping, or other improvements shall be the responsibility of the property owner.
6. All crossings which are constructed in accordance with this bylaw, as well as those heretofore existing, may continue in use until authorization for such crossing is revoked by the Engineer. Until such authorization is revoked, the owner of the real property abutting such crossing shall keep the same in good and sufficient repair in accordance with this bylaw. If the owner fails to undertake maintenance or removal of the crossing within 30 days notice from the Engineer to carry out such maintenance or removal, then the District may proceed to carry out the work at the owner's expense. Authorization for a crossing may be revoked if the District needs the crossing for its own purpose.
7. Where part or all of a crossing is to be built by the District and the work is not included in Schedule "A", the owner of the real property to which the crossing pertains shall deposit at the Engineer's office a security amount prior to commencement of the work. The security amount shall be 150% of the estimated cost of the work. The estimated cost shall be the estimated installation cost plus 20% for administration and overhead. Upon receipt of such security amount the Engineer shall construct the work as soon as is convenient thereafter if, in his opinion, the crossing meets the standards of this bylaw. If the installation cost of the work plus 20% administration is less than the security amount, the Engineer shall refund to the owner the difference between such amount and the security amount. If the installation cost of the work plus 20% administration is greater than the security amount the owner shall pay to the District the difference between such amount and the security amount.
8. The owner of real property for which authorization for a crossing is granted shall be liable for all costs of construction, maintenance and ultimate removal of the crossing and all costs incurred by the District resulting from failure of the owner to carry out work ordered by the Engineer.

- 9. The owner of real property for which authorization for a crossing is granted shall, in respect of that crossing, at all times be liable for and shall indemnify the District against any and every claim, loss, expense, damage or any suit or demand which may be occasioned by or incidental to the construction, existence, use or maintenance of the crossing.

### Miscellaneous

- 10. Costs of construction, maintenance or removal of a crossing payable by the owner under the provisions of this bylaw shall be collected in the same manner and with like remedies as ordinary taxes on land and improvements. Such costs, if not paid by the 31<sup>st</sup> day of December in the year for which such costs were imposed, shall be deemed to be taxes in arrears and be so entered on the tax roll by the Treasurer.
- 11. "Encroachment Bylaw No. 3050, 1982" shall not apply with respect to a crossing constructed pursuant to this bylaw.
- 12. Schedule "A" attached hereto forms a part of this bylaw.
- 13. Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.
- 14. "Crossings Bylaw No. 3049, 1982" is hereby repealed.
- 15. This bylaw may be cited for all purposes as "Driveway Crossing Bylaw No. 3748, 1992".

Amended by  
Regulatory  
Bylaw  
Enforcement  
and Penalty  
Bylaw No.  
4521, 2007

PASSED by the Council on 1992 June 01

RECONSIDERED and ADOPTED by the Council 1992 June 03.

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Mayor

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Municipal Clerk

**Schedule A**  
**Schedule of Fees Payable in Advance**  
**for Authorization to Construct a Crossing and for**  
**Installation of Certain Works Related to the Crossing**

1. For any single family or duplex zoned real property - administration fee \$45
2. For all other zoned real property, measured at the curb or edge of pavement, administration fee, per metre \$19
3. Construction of drop curbing for access, per metre \$180
4. Construction of sidewalk crossing, per metre \$330
5. Installation of culvert, minimum diameter 250 mm up to 300 mm diameter, per metre \$220  
- minimum charge - (based on 3 metres) \$660
6. For work other than 3, 4 or 5 above or where extraordinary conditions prevail such as rock, installation costs shall be the actual field costs plus 20% administration as detailed in Section 7 of this bylaw.