

GLENMORE-ELLISON IMPROVEMENT DISTRICT

BYLAW #133

A BYLAW REGULATING THE SUBDIVISION AND SERVICING OF LAND THAT IS BEING PROPOSED FOR CONNECTION TO THE IMPROVEMENT DISTRICT'S WATER SYSTEM.

The Trustees of the Glenmore-Ellison Improvement District, in open meeting assembled, **ENACT AS FOLLOWS:**

PART 1: DEFINITIONS AND INTERPRETATIONS

1.1 In this bylaw:

“Applicant” means the owner of property, or the authorized agent of the owner, who has submitted a completed application for the subdivision of land to which water may be supplied by the District.

“District” means the Glenmore-Ellison Improvement District.

“District’s system” means the water distribution system including all works owned and operated by the District.

“Standards” means the District’s water system construction and design standards attached as Schedule “B” to this bylaw.

“Subdivision” means subdivision as defined in the *Land Title Act* or the *Strata Property Act*.

“Trustees” means the Trustees for the District.

“Works” means any structures, including pipes, and all attachments, fittings, and facilities for the storage, supply, conveyance, treatment and distribution of water.

1.2 The schedules to this bylaw, Schedules “A” and “B” are integral parts of this bylaw.

PART 2: OTHER ENACTMENTS

2.1 Nothing contained in this bylaw shall relieve any person from responsibility for seeking out and complying with other enactments applicable to their undertaking.

PART 3: GENERAL PROHIBITION

- 3.1 Land that is connected to the District's system, or is proposed for connection to the District's system, must not be subdivided contrary to this bylaw.

PART 4: APPLICATION

- 4.1 An owner of land who proposes to subdivide land and wishes to connect one or more parcels to be created by the subdivision to the District's system must deliver to the District:
- a) the proposal, plans, drawings and other information as specified in Schedule "A";
 - b) a Development Application Fee of \$150.00;
 - c) a Performance Bond, provided as a guarantee that a water system will be installed therein. The Performance Bond may be in the form of an irrevocable standby Letter of Credit, and must be in the amount of 125% of the estimated construction cost as verified by the District or Consulting Engineer. Such Letter of Credit will be released upon substantial completion of work to the satisfaction of the District;
 - d) an Engineering/Inspection Fee, valued at three percent (3%) or a minimum of \$500.00 (whichever is greater), of the estimated construction cost as verified by the District or Consulting Engineer, for the ongoing review, monitoring and inspection of the engineering details and construction work, for the duration of the construction period for the proposed works and servicing.
 - e) Works completed by District crews and those works with an estimated construction cost valued under \$10,000 will not require Bonding or payment of Engineering/Inspection Fees.
- 4.2 Every application for subdivision of land that will create a parcel to be connected to the District's system must include a calculation of the peak hourly water demand and pressure requirement for the ultimate development of the parcels and sufficient information, plans and drawings for the District to determine whether the proposed works comply with this bylaw.
- 4.3 Notwithstanding section 4.2, the Trustees may require the owner or owners of the proposed subdivision to provide a detailed Engineering Study, including any Fire Flow modeling, to determine the engineering requirements for the proposed works. The Study must be prepared by the District's Consulting Engineer and the owner(s) shall pay for the costs of such Study.

PART 5: GENERAL PROVISION

5.1 The Trustees may refuse to supply water to the proposed subdivision where:

- a) the proposed subdivision does not comply with the provisions of this and other applicable bylaws of the District;
- b) all applicable fees and charges have not been paid;
- c) one or more parcels to be created by the subdivision are to be connected to the District's system and the District has an insufficient water supply to provide such parcels with a supply of water.

5.2 Despite subsection 5.1(c), an application may be approved where the owner of the land provides to the District with a reasonable proposal to increase the supply capacity of the District's system so that it is capable of providing the parcels to be created by the subdivision with a sufficient supply of water.

PART 6: CONSTRUCTION OF WORKS WITHIN SUBDIVISION

6.1 An owner of land who proposes to subdivide the land must:

- a) provide, locate and construct a water distribution system within the subdivision; and
- b) connect the water distribution system to the District's system; and
- c) complete all works in accordance with the Standards prescribed in Schedule "B".

6.2 The cost of providing, locating and constructing the water distribution system and connecting the water distribution system to the District's system must be paid completely by the owner of land providing the works.

6.3 The costs referred to in section 6.2 includes the cost of all permits, inspections, engineering costs and other costs related to the proposed subdivision.

PART 7: CONSTRUCTION OF WORKS IN ADJACENT HIGHWAYS

7.1 In addition to the requirements of Part 6, the Board of Trustees of the District may also, by resolution, require that an owner of land provide other works and services in accordance with the Standards, on that portion of a highway immediately adjacent to the site being subdivided or developed up to the centre line of the highway, in accordance with the *Local Government Act*.

PART 8: CONSTRUCTION OF EXTENDED SERVICES

- 8.1 Where the Board of Trustees requires that an owner of land provide excess or extended services, the District will determine the proportion of the cost of the extended or excess service which will be borne by the applicant in accordance with the *Local Government Act* and any policy regarding latecomer charges approved by the Board of Trustees.

PART 9: EXTENSION OF WORKS AND SERVICES

- 9.1 All works required to be installed under Part 6 must be installed along the full frontage of the land being subdivided or developed unless the lands beyond the land being subdivided or developed are incapable of further subdivision or development, as determined by the District. The Trustees may exempt this provision in the case of lots in rural or agricultural zones.
- 9.2 For the purpose of section 9.1, lands are not incapable of further subdivision or development by reason only that an amendment to an enactment of a local government or the District would be necessary to permit further subdivision or development.

PART 10: TRANSFER OF WORKS

- 10.1 An owner of land who has installed works under this agreement must:
- a) transfer the works to the District, and
 - b) where any part of the works transferred to the District are located on lands owned by any person other than the District or within a highway, provide a statutory right of way agreement for the works in a form acceptable to the District, naming the District as transferee with priority over any financial encumbrances registered against the title to the land.
- 10.2 An owner who transfers works to the District must:
- a) remedy all defects in the Works for one year following the date of the transfer; and
 - b) deposit with the District a Maintenance Bond, in the form of an irrevocable standby letter of credit valid for at least one year from the date of the transfer in an amount not less than ten percent (10%) or a minimum of \$1,000 (whichever is greater) of the cost of the Works as security for the performance of the owner's obligations under section 10.2(a).

PART 11: COPIES OF PERMITS

- 11.1 The owner required to install Works under this bylaw must provide to the District a copy of the construction permit for the works, issued by the Ministry of Health.

PART 12: CONNECTION CHARGES

- 12.1 No person may connect any parcel or works to the District's system without paying all applicable charges in accordance with the District's bylaws and fee schedules.

PART 13: APPROVAL PERIOD

- 13.1 Subject to changes in an enactment which may affect a subdivision, approval of design drawings under this bylaw will be valid for a period of six months.
- 13.2 An approval under this bylaw must not be interpreted as limiting the function or authority of the Approving Officer under the *Land Title Act*.

PART 14: VIOLATION

- 14.1 A person who does any act or suffers or permits any act to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which is required to be done by this bylaw, commits an offence.

PART 15: PENALTY

- 15.1 A person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the *Offence Act*.

PART 16: SEVERABILITY

- 16.1 If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this bylaw with the remaining portions of the bylaw remaining valid and of full force and effect.

PART 17: INSPECTION AND RIGHT OF ACCESS

- 17.1 The Trustees, or an officer or employee of the District may enter at all reasonable times upon the land subject to this bylaw, to ascertain whether the provisions of the bylaw are being obeyed, provided that:
- (a) consent to inspect the land is obtained from the owner or occupier of the land, or;
 - (b) where such consent has been refused, written notice of the intent to inspect is given to the owner or occupier no less than 24 hours prior to the time of inspection.
- 17.2 No person shall obstruct or prevent a person referred to in section 17.1 from carrying out any of the provisions of this bylaw.

PART 18: REPEAL

18.1 Subdivision Regulation Bylaw No. 70 is repealed.

PART 19: CITATION

19.1 This bylaw may be cited as the “Subdivision Servicing Bylaw No. 133.”

INTRODUCED and given first reading by the Trustees on the 22nd day of June, 2011.

RECONSIDERED and finally passed by the Trustees on the 22nd day of June, 2011.

Bob Fugger - Chair of the Trustees

Linda O’Neil – Administrative Treasurer

I hereby certify under the seal of the Glenmore-Ellison Improvement District that this is a true copy of the **Bylaw No. 133** of the Glenmore-Ellison Improvement District passed by the Trustees on the 22nd day of June, 2011.

Linda O’Neil – Administrative Treasurer