

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8357

A B Y L A W

TO REGULATE THE USE OF HIGHWAYS

WHEREAS pursuant to Section 532 of the *Local Government Act*, the Council may by bylaw regulate excavations in a highway;

AND WHEREAS pursuant to Section 517 of the *Local Government Act*, the Council may by bylaw establish and operate any service and may regulate that service and may prohibit any activity in relation to that service unless a licence, permit or approval is obtained.

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

1. In this bylaw:

- (a) **“Agreement”** means an agreement that respects the following three principles:
 - (i) The Municipality must have the ability to control the number, type, extent and location of the Works, on, above or below the ground within the highway.
 - (ii) That the use of the municipal rights of way by non municipal corporations must not impose additional financial burden on municipal taxpayers.
 - (iii) The Municipality must not be liable for any economic loss, legal costs or physical restoration costs resulting from the disruption of utility services arising out of the actions of the Municipality.
- (b) **“Approval”** means that the “Engineer” has reviewed the proposed “Works” and given written authorization.
- (c) **“Engineer”** means the Director of Engineering of Services for The Corporation of the District of Saanich.
- (d) **“Highway”** includes every highway except an arterial highway as classified pursuant to Section 28 of the *Highway Act*, Chapter 188, R.S.B.C. 1996, and every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, cycles or pedestrians 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.
- (e) **“Works”** means structures, gas lines, wires, pipes, ducts, manholes, poles, conduits, cables, including fibre optic cable, tunnels and related accessories, appurtenances and equipment.

2. The system of Highways in the District of Saanich shall continue to operate as a service and the District may operate, expand and maintain the Highway system.
3. No person other than an employee of the District, or a contractor of the District, shall install, construct, replace, alter, relocate or repair Works on, in or under a highway unless:
 - (a) Approval has been obtained to install, construct, replace, alter, relocate or repair the Works,
 - (b) The owner of the Works has paid the application and inspection fee prescribed under Section 3 of this Bylaw, and,
 - (c) An agreement has been entered into between the owner of such Works and the Municipality.
4. The application for approval of the Works shall be accompanied by the fees calculated in accordance with Schedule "A" to this Bylaw.
5. Notwithstanding paragraph 3 and 4, fees under this bylaw are not payable where the owner of the Works is a party to a franchise agreement, operating agreement or utility access agreement under which the owner is required to pay fees for the approval and inspection of the Works.
6. This Bylaw shall not apply to the installation, construction, replacement, alteration, relocation or repair of:
 - (a) Works by the Municipality or a contractor or sub-contractor carrying out work on its behalf;
 - (b) sewer, water or drains.
7. This Bylaw may be cited for all purposes as the "**HIGHWAY USE UTILITY BYLAW, 2002, NO. 8357**".

Read a first time this 19th day of August, 2002.

Read a second time this 19th day of August, 2002.

Read a third time this 19th day of August, 2002.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 26th day of August, 2002.

"CARRIE M. MacPHEE"

Clerk of The Corporation of the
District of Saanich

"FRANK LEONARD"

Mayor

SCHEDULE "A"

SCALE OF FEES FOR WORKS ON HIGHWAY

1. Fees for adding New Works on or Existing Infrastructure including pole systems, ducts;

(a) *Plan Administration Fee* \$50.00

2. Fees for New Works

(a) Plan Approval and Co-ordination

(i) A one-time flat fee of \$500.00 for a project of 50 metres or less;

(ii) For projects in excess of 50 metres, a one-time flat fee of \$500.00 plus an additional \$500.00 for each 100 metres, or part thereof, in excess of 50 metres.

(b) Pavement Degradation Fees:

(i) In instances where the Applicant excavates, breaks up or otherwise breaches the surface of any paved highway, the Applicant will contribute to the cost of pavement degradation based on the total area of pavement excavated and such amount will be payable within 30 days of completing the restoration of the applicable highway, on a one-time per project basis, in accordance with the following table:

Age of street in years since last paved as determined by the Municipal Engineer	Fee per square metre of Excavation
0 - 5 years	\$50.00
6 - 10 years	\$40.00
11 - 15 years	\$30.00
16 - 20 years	\$20.00
21 years or greater	\$10.00