



CITY OF RICHMOND

***DITCH AND WATERCOURSE PROTECTION AND
REGULATION***

BYLAW NO. 7285

EFFECTIVE DATE –

CITY OF RICHMOND

**DITCH AND WATERCOURSE PROTECTION AND
REGULATION BYLAW NO. 7285**

The Council of the City of Richmond enacts as follows:

PART ONE: GENERAL PROHIBITIONS

1.1 A person must not:

- (a) pollute, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is located on private property;
- (b) construct any **ditch crossing** except in accordance with Part Two; or
- (c) place any fill, concrete, timber or other structure or materials in a **highway ditch**, except with the permission of the **General Manager of Engineering & Public Works**.

PART TWO: DITCH CROSSING PERMIT REQUIREMENTS AND SPECIFICATIONS

2.1 **Ditch Crossing Permit Requirements – Standard Width**

2.1.1 Every person who proposes to construct a **ditch crossing** across a **highway ditch** must:

- (a) apply to the **General Manager of Engineering & Public Works**, for a **ditch crossing** permit in the form set out in Schedule A,
- (b) pay a permit fee of \$100;
- (c) comply with:
 - (i) the construction specifications in Schedule A; and
 - (ii) the instructions on the **ditch crossing** permit in Schedule B,both of which are attached and form a part of this bylaw; and
- (d) submit a cash deposit or Irrevocable Letter Of Credit in favour of the **City**, in the amount of \$1,500 to the **General Manager of Engineering & Public Works**, to secure:

- (i) the completion of the **ditch crossing**; and
- (ii) the cleaning and restoration of any portion of the **highway or City** property affected by the construction of the **ditch crossing**, to the condition which existed prior to the construction of such **ditch crossing**, as determined by the **General Manager of Engineering & Public Works**.

2.2 Ditch Crossing Permit Requirements – Extended Width

2.2.1 In addition to complying with the requirements of subsection 2.1.1, where a person proposes to construct a **ditch crossing** over a width exceeding 7.6 metres abutting a **residential lot**, or 12.2 metres abutting any other property, the application for a **ditch crossing** permit must be accompanied by:

- (a) design drawings at a scale of 1 to 500;
- (b) construction specifications; and
- (c) an engineering cost estimate for the construction,

all of which must be prepared and sealed by a member of the Association of Professional Engineers and Geoscientists of the Province of British Columbia; and

- (d) an inspection fee of 4% of the engineering cost estimate referred to in clause (c).

2.2.2 The design drawings, construction specifications and engineering cost estimate required under subsection 2.2.1 are to be prepared at the expense of the person applying for the **ditch crossing** permit.

2.3 Issuance of Ditch Crossing Permit

2.3.1 The **General Manager, Engineering & Public Works**, upon receipt of an application under section 2.1 or 2.2, must examine the application, and if satisfied that the proposed **ditch crossing**:

- (a) complies with the requirements of section 2.1, and where applicable, section 2.2; and
- (b) will not interfere with the **City** drainage system,

must issue a **ditch crossing** permit in the form set out in Schedule B.

2.4 Authority of the General Manager of Engineering & Public Works

2.4.1 Where:

- (a) a **ditch crossing** which is not constructed in compliance with the requirements of Part Two, has been installed in a **highway ditch**;

- (b) fill, concrete, timber or other structure or materials have been placed in a **highway ditch**, without the authorization of the **General Manager of Engineering & Public Works**; or
 - (c) other works have been undertaken in relation to a **highway ditch** which, in the opinion of the **General Manager of Engineering & Public Works**, interfere with the safety and convenience of the public,
- and
- (d) the **General Manager of Engineering & Public Works** is satisfied that the owner of the property adjacent to the portion of the **highway ditch** in question is the party responsible for the installation of the works referred to in clause (a), clause (b) or clause (c),

the **General Manager of Engineering & Public Works** may require the owner of the property adjacent to the portion of the **highway ditch** in question to remove the **ditch crossing**, the fill, concrete, timber or other structure or materials, or other works, as applicable, by giving notice in writing to the owner and occupier of such property, in accordance with subsection 2.4.2.

2.4.2 The notice referred to in subsection 2.4.1 must specify:

- (a) the work to be undertaken by the owner of the property adjacent to the portion of the **highway ditch** in question;
- (b) the period of time within which the work must be completed;

and be served in accordance with subsection 2.4.4.

2.4.3 The notice referred to in subsection 2.4.1 must be served:

- (a) on the owner of the property adjacent to the portion of the **highway ditch** from which the **ditch crossing** or fill, concrete, timber or other structure or materials, or other works referred to in subsection 2.4.1 are to be removed, by either:
 - (i) personal service, or
 - (ii) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;

provided that where such owner is a registered company, service may be effected according to the provisions of the *Company Act*; and

- (b) on the occupier of the property adjacent to the portion of the **highway ditch** from which the **ditch crossing** or fill, concrete, timber or other structure or materials, or other works referred to in subsection 2.4.1 are to be removed, by either:

- (i) personal service,
 - (ii) delivery to a mail box or other receptacle for messages, if any, on the real property, or
 - (iii) posting on the real property; and
- (c) on any agent of the owner or occupier of the property adjacent to the portion of the **highway ditch** from which the **ditch crossing** or fill, concrete, timber or other structure or materials or other works referred to in subsection 2.4.1 are to be removed, by either:
- (i) personal service, or
 - (ii) registered mail with acknowledgement of receipt.

2.4.5 A notice which is not personally served is deemed to have been served:

- (a) on the third day after mailing in accordance with clause (a)(ii) or (c)(ii), whichever is applicable;
- (b) upon delivery in accordance with clause (b) (ii); or
- (c) upon posting in accordance with clause (b) (iii) of subsection 2.4.4.

2.4.6 If the requirements of the said notice are not complied with within the period specified, the **General Manager of Engineering & Public Works** may:

- (a) direct **City** staff, or a contractor acting under his direction, to enter onto the property to undertake the work required specified in the notice; and
- (b) invoice the property owner for the cost of such work.

2.4.7 Where the property owner or occupier fails to reimburse the **City** as required under the provisions of subsection 2.4.6, on or before December 31st in the year in which the costs are incurred, the property owner is considered to have violated the provisions of this bylaw.

2.5 Protection Against Liability

2.5.1 The liability of the **City** is limited by the provisions of Section 37 of the *Municipalities Enabling and Validating Act*, which applies to:

- (a) the construction of any **ditch crossing**; and
- (b) the placement of any fill, concrete, timber or other structure or materials in a **highway ditch**.

PART THREE: VIOLATIONS AND PENALTIES

3.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or

- (b) fails to comply with any of the provisions of this, or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required by this bylaw; or
- (d) makes any false or misleading statement in connection with this bylaw,

is deemed to have committed an infraction of, or an offence against, this bylaw, and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART FOUR: INTERPRETATION

4.1 In this bylaw, the following words have the following meanings:

CITY	means the City of Richmond.
DITCH CROSSING	means any bridge, culvert, driveway or other construction spanning a highway ditch .
GENERAL MANAGER OF ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager of Engineering & Public Works, and includes a person designated as an alternate.
HIGHWAY	means a street, road, lane and any other way open to public use, but does not include a private right-of-way on private property.
HIGHWAY DITCH	means a drainage ditch located adjacent to a highway in the possession and control of the City .
RESIDENTIAL LOT	means a property whose use pertains to the accommodation and home life of a family.

PART FIVE: PREVIOUS BYLAW REPEAL

- 5.1 Ditchfilling and Construction of Ditch Crossings Bylaw No. 6370 (adopted October 11, 1994) is repealed.
- 5.2 Drainage Protection Bylaw No. 1885 (adopted March 5, 1962) is repealed.

PART SIX: SEVERABILITY AND CITATION

- 6.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 6.2 This bylaw is cited as “Ditch and Watercourse Protection and Regulation Bylaw No. 7285”.

FIRST READING
 SECOND READING
 THIRD READING
 ADOPTED

DEC 10 2001

 DEC 10 2001

 DEC 10 2001

CITY OF RICHMOND
APPROVED
for content by originating dept.
APPROVED for legality by Solicitor

 MAYOR

 CITY CLERK

SCHEDULE A to BYLAW NO. 7285

APPLICATION FOR DITCH CROSSING PERMIT

Name (Property Owner): _____ Telephone No: _____

Address of Property: _____

Lot _____ Block _____ Section _____ Block _____ N., Range _____ W., Plan _____

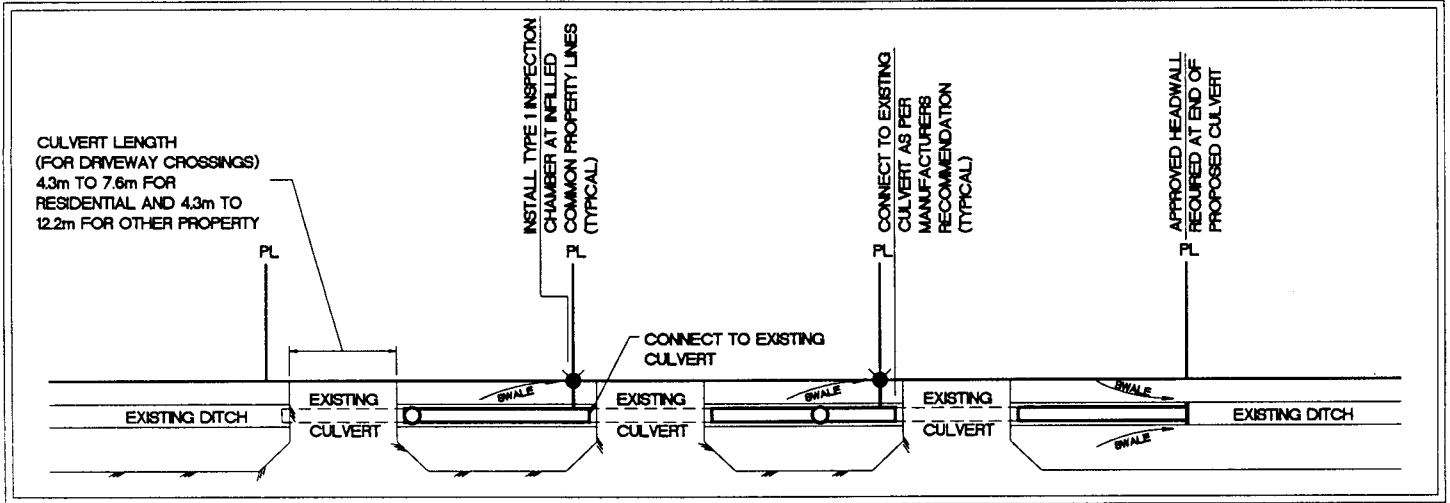
I hereby make application for permission to construct a **ditch crossing** across a highway ditch for the purpose of:

I understand that, if this application is approved, I must abide by the following specifications (please check relevant column):

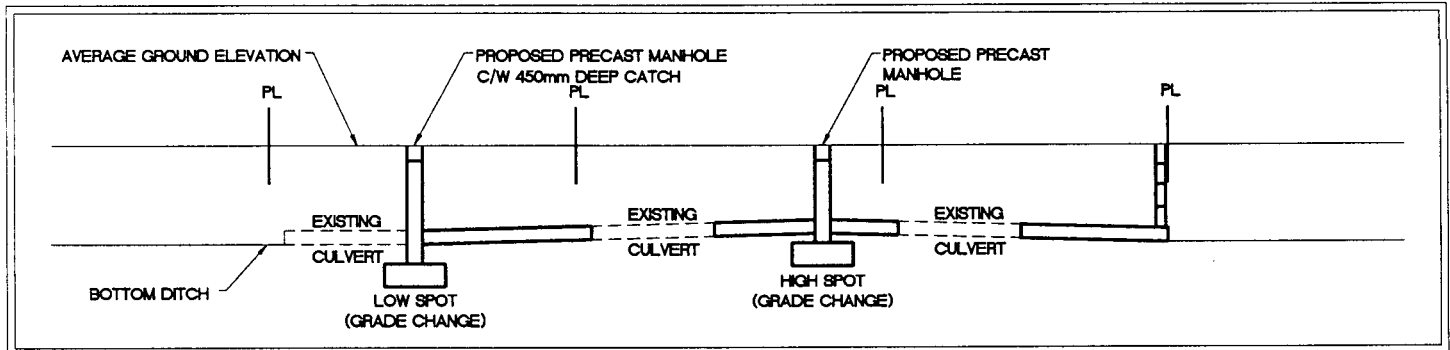
<input type="checkbox"/> Culvert	<input type="checkbox"/> Bridge
<ol style="list-style-type: none"> 1. City survey crew will provide grade. Two (2) days advance notice required to receive grade stakes. 2. Culvert to be kept clear of all service connections (water, gas, etc). Property owner is responsible for relocation of same. 3. Diameter and length to be as shown on the permit (Schedule "B"). 4. Maximum culvert length to be 7.6 m for residential lots and 12.2 m for other property. Culverts of greater lengths require design by a Professional Engineer in accordance with City Engineering design and drafting standards. Refer to page 2 of 2 for general arrangements. 5. Where possible adjacent culverts must be joined at the property line, the owner of each property is responsible for the portion of culvert and ancillary drainage fronting their property. 6. In areas where peat soils exist at ditch bottom, such peat shall be totally excavated to firm ground and backfilled with compacted sand and gravel. Property owner is responsible for any settlement. Peat is to be excavated 1.5 m beyond the culvert. 7. A minimum of 100 mm gravel bedding required under culvert pipe. 8. Property owner to request City inspection following completion of excavation and bedding and again following completion and construction including headwalls. Time between initial and final inspection not to exceed 30 days. 9. Only approved, undamaged pipe, manholes, inspection chambers and appurtenances thereof are permitted as determined by the General Manager of Engineering and Public Works. Installation and materials shall conform strictly with manufacturer's recommendation and the City's Master Municipal Construction Documents and Supplementary Specifications. 10. Excavations and obstructions to be properly shielded (signed, barricaded, lit etc.). Property owner to be responsible for all accidents or claims arising due to this installation. 11. Adjacent highway, City property and surroundings to be restored by property owner to condition prior to construction or better condition, and cleaned of all debris. 12. Property owner to maintain culvert and adjacent ditch to ensure no obstruction to the free flow of water during the life of the ditch crossing. 	<ol style="list-style-type: none"> 1. Property owner to clean existing ditch sides and bottom and to provide a solid footing for bridge seat. 2. Bridge to be kept clear of all service connections (water, gas, etc). Property owner responsible for relocation of same. 3. Existing ditch dimensions and proposed size of bridge to be shown by the property owner on the permit form (Schedule "B"). Maximum width of bridge to be 7.6 m for residential lots and 12.2 m for other property. Bridges of greater width require design by Professional Engineer in accordance with City Engineering design and drafting standards. 4. End of bridge to be located no closer than 1.5m from adjacent property line and 3.0 m from end of adjacent bridge or culvert. 5. Where two bridges must be joined at the property line. Property owner must obtain written undertaking that both property owners are jointly responsible for combined length of bridge and local surface drainage. 6. Excavation and obstructions to be properly shielded (signed, barricaded, lit, etc.). Property owner to be responsible for all accidents or claims arising due to this installation. 7. Adjacent highway, City property and surrounding area to be restored by property owner to condition prior to construction or better condition and cleaned of all debris. 8. Property owner responsible for structural adequacy of bridge. 9. Property owner to maintain ditch under bridge to ensure no obstruction to free flow of water during the life of this ditch crossing.

SCHEDULE A to BYLAW NO. 7285

APPLICATION FOR DITCH CROSSING PERMIT



Plan



Profile

1. Location of manholes to be determined by the City.
2. Existing services to be relocated by City/Utility Co. at property owner's expense.
3. Approved contractor and undertaking of liability insurance per City of Richmond standards is required for installation.

I have read the specifications in this application (relevant to the column checked) and if permission is granted for this construction, agree to abide by them.

In the case of a ditch crossing over a width exceeding 7.6 metres (residential lots) or 12.2 metres (other property), I attach sealed design drawings, construction cost estimate and specifications prepared by a member of the Association of Professional Engineers and Geoscientists of the Province of British Columbia and agree to abide by them.

Signed: _____
(Property Owner)

Date: _____

SCHEDULE B to BYLAW NO. 7285

DITCH CROSSING PERMIT

Name (Property Owner): _____ Telephone No: _____
 Address of Property: _____

Lot _____ Block _____ Section _____ Block _____ N., Range _____ W., Plan _____

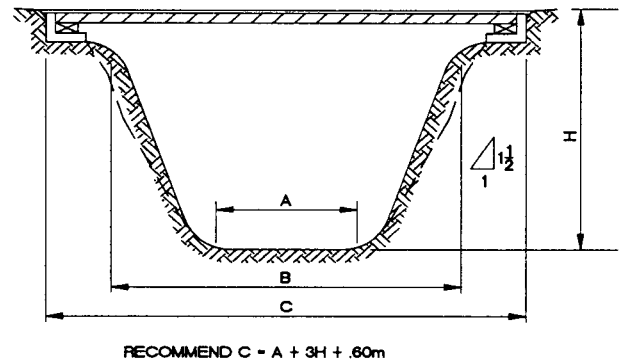
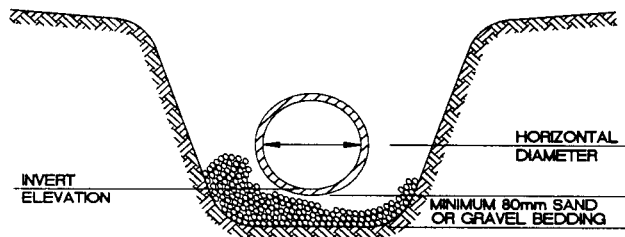
This is your authorization to construct or install the works described in this permit, in the location:

This permit is issued subject to compliance with the specifications in Schedule "A", and may be revoked at any time that any part of Schedule "A" or the instructions set out below are not complied with. Any exceptions must be noted and must receive approval in advance.

Installation to be started on or before _____

Date this _____ day of _____

<input type="checkbox"/> Culvert <input type="checkbox"/> Bridge		
Diameter:	Bottom of Ditch (A):	Top of Ditch (B):
Length:	Width of Bridge:	Height of Ditch (H):
Invert Elevation:	Span of Bridge (C):	
Manholes (Inc. Size and Location):		
Design Drawings prepared by:		Date:
Estimated Cost of Works:		Inspection Fee:



LOCATION: Existing Crossing Owner to Mark
 SPECIAL NOTES (if any): _____

General Manager, Engineering & Public Works or Designate
INSPECTION REPORT

Date Completion of Base:	Date Ditch Cleaned:
Date Final Completion:	Date Final Completion:
Signed:	Signed: