

Subdivision 1 - Highways

- 9.10.1.
1. No person shall construct, place or maintain any structure or material in, upon, under or over any highway except as provided in this Code. For purposes of this subdivision "material" does not include ice and snow.
 2. No person shall deposit or permit to be deposited any ice or snow that has been removed from private property upon the portion of any highway that is constructed for vehicular or pedestrian travel.
 3. Any person desiring to construct or place any structure or material in, under or over any highway shall apply in writing to the Municipal Engineer enclosing:
 - a. a statement of the nature and extent of the use proposed;
 - b. a written description or plan showing the dimensions and location of the proposed installation;
 - c. the name and address of the applicant, and--if different--the name of the owner or persons responsible for the proposed installation.
 4. Upon receipt of an application, the Municipal Engineer may refuse or consent to the required use and in case of consent may, in addition to any other conditions required by this Division, impose such conditions as deemed fit.
 5.
 - a. Unless expressly waived in writing by the Chief Administrative Officer, the owner or occupier of the land applying for a permit shall file with the District of Kitimat an insurance policy insuring against liability for bodily injury or property damage.
 - b. The insurance covering bodily injury shall be in amount of not less than One Million Dollars (\$1,000,000.00) each person, and One Million Dollars (\$1,000,000.00) each occurrence, and the property damage liability shall be an amount of not less than One Million Dollars (\$1,000,000.00) each accident. The District of Kitimat shall be named insured and the policy shall not be subject to cancellation except upon THIRTY (30) days' notice to all insured. The form of the policy shall be as approved by the Chief Administrative Officer.

Subdivision 1 - Highways (Continued)

- 9.10.1.
6. As a condition to the granting of the application, the applicant shall execute an encroachment agreement in the form described by the municipality.
 7. The Municipal Engineer may set a time limit for the completion and quality of any use or installation authorized by this Division, and may require posting a performance bond sufficient for the municipality to restore the highway to its original condition if the person authorized to undertake the use or installation fails to meet the required time limit or quality specified by the Municipal Engineer.
 8. Any decision made by the Municipal Engineer on an application for use of any highway shall be subject to an appeal to the Council.
 9. The holder of a permit shall submit a written description or plan showing the dimensions and location of any permanent installation as built to the Municipal Engineer within NINETY (90) days after final completion of construction.
 10.
 - a. No person shall drive a motor vehicle upon or otherwise obstruct a sidewalk or walkway except with the permission of the Municipal Engineer.
 - b. Applications for such permission shall be made in writing to the Municipal Engineer and shall contain a statement of the nature and extent of the proposed use of the sidewalk and the duration thereof.
 11. Any permission granted to the provisions of this Division may be cancelled upon FOURTEEN (14) days' notice being given to the holder of the permit if:
 - a. the installation is not located and constructed, or subsequent maintenance is not carried out, to the satisfaction of the Municipal Engineer;
 - b. the lands affected are not restored to a condition satisfactory to the Municipal Engineer;
 - c. the applicant or owner or person responsible therefor fails to repair to the satisfaction of the Municipal Engineer any damage caused by the installation, after being requested to do so;

Subdivision 1 - Highways (Continued)

- 9.10.1.
- d. the applicant or owner or person responsible for the installation fails to indemnify and save harmless the municipality from any loss, damage or expense whatsoever caused by, arising out of, or resulting in any way from the installation or its use or, having done so, withdraws the same;
 - e. there is any change of ownership of the installation or of responsibility for the installation; and
 - f. the provisions of 9.10.1.9. are not fulfilled.
12. Notwithstanding anything herein contained, the Municipal Engineer shall not give his permission or consent to any proposed installation if he is of the opinion that:
- a. the same can reasonably be avoided by installation in, upon, under, or over private property; or
 - b. the installation is likely to cause obstruction to traffic, danger to any person using the highway or damage to property.

Subdivision 2 - Boulevards

- 9.10.2.
- 1. For the purposes of this Subdivision "Boulevard" means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or between curbs on median strips or islands, but does not include any curbs, sidewalks or ditches or driveways.

Restriction

- 2. No person shall plant, erect, construct or place any tree, shrub, bush, hedge, fence, wall, sign, gravel or other object on any boulevard or portion thereof except as provided in 9.10.4.10. For purposes of this subdivision "other object" does not include ice or snow.
- 3. Nothing contained in 9.10.2.2. shall in any way whatsoever prevent the municipality, its agents or contractors from landscaping any boulevard or portion thereof.

Subdivision 2 - Boulevards (Continued)

9.10.2.

Construction and Maintenance

4. An owner of land may construct and maintain that portion of any adjoining boulevard provided that such construction and maintenance conforms to the following specifications:
 - a. no person, in constructing or maintaining a boulevard abutting a sidewalk shall cause the toe of any slope greater than 3% to be nearer than 50 cm to such sidewalk;
 - b. the construction of a boulevard shall consist of grass properly seeded, sub-grade, topsoil evenly spread, perennial lawn grass seed sown at a rate sufficient to provide a uniformly thick turf;
 - c. the maintenance of a boulevard shall consist of frequent cutting of the grass throughout the growing season.

Subdivision 3 - Other Public Spaces

9.10.3.

1. No person shall construct, install, place or maintain any structure or material in, upon, under or over any public space except as provided in this Code.

Installation of Utilities or Temporary Storage of Materials

2. Any person desiring to use public space for installation of utilities whether above or below ground and for temporary storage of materials shall apply in writing to the Municipal Engineer, enclosing:
 - a. a statement of the nature and extent of the proposed use;
 - b. written description and drawings showing the dimensions and location of the proposed installation or storage and the area of the public space to be used;
 - c. the name and address of the owner or persons responsible for the proposed installation or storage; and
 - d. any other information required by the Chief Administrative Officer.

Subdivision 3 - Other Public Spaces (Continued)

- 9.10.3.
3. Upon receipt of an application, the Municipal Engineer may refuse or consent to the requested use and in case of consent may, in addition to any other conditions required by this Division, impose such conditions as deemed fit.
 4.
 - a. Unless expressly waived in writing by the Chief Administrative Officer, the owner or occupier of the land applying for a permit shall file with the District of Kitimat an insurance policy insuring against liability for bodily injury or property damage.
 - b. The insurance covering bodily injury shall be in an amount of not less than One Million Dollars (\$1,000,000.00) each person, and One Million Dollars (\$1,000,000.00) each occurrence, and the property damage liability shall be an amount of not less than One Million Dollars (\$1,000,000.00) each accident. The District of Kitimat shall be named insured and the policy shall not be subject to cancellation except upon THIRTY (30) days' notice to all insured. The form of the policy shall be as approved by the Chief Administrative Officer.
 5. As a condition to the granting of the application, the applicant shall execute an encroachment agreement in the form prescribed by the municipality.
 6. Any decision made by the Municipal Engineer on an application for use of the public space other than highways shall be subject to an appeal to the Council.

As Built Drawings

7. The holder of a permit shall submit a written description or plan showing the dimensions and location of any permanent installation as built to the Municipal Engineer within NINETY (90) days after final completion of construction.

Subdivision 3 - Other Public Spaces (Continued)

9.10.3. Cancellation of Permit

8. Any permission granted under Section 9.10.3.3. to 9.10.3.5. may be cancelled by the Municipal Engineer upon FOURTEEN (14) days notice being given to the holder of the permit, if:
 - a. the use or installation permitted is not carried out or subsequently maintained to the satisfaction of the
 - b. the lands affected are not restored to a condition satisfactory to the Municipal Engineer;
 - c. the applicant or owner or person responsible for the installation or storage fails to indemnify and save harmless the municipality from any loss, damage or expense whatsoever caused by, arising out of or resulting in any way from the installation or storage or, having done so, withdraws the same;
 - d. there is any change in ownership or of responsibility for the installation or storage; and
 - e. the requirements of 9.10.3.7. are not fulfilled.

Buildings and Structures

9. Any person desiring to construct or place any building or structure on public space shall apply in writing to the Council, enclosing:
 - a. a statement of the nature and use of proposed building or structure;
 - b. written description or drawings showing the dimensions and location of the proposed building or structure;
 - c. the name and address of the owner or person responsible for the proposed building or structure; and
 - d. any other information required by the Council.

Permission by Council

10. Council may issue a permit authorizing construction of buildings or structures on public space pursuant to 9.10.3.9. and may lay down conditions. Any conditions so laid down shall be attached to and form part of the permit.

Subdivision 3 - Other Public Spaces (Continued)

- 9.10.3. 11. It shall be an offence to violate the terms of the permit issued under 9.10.3.3., 9.10.3.4., 9.10.3.5., 9.10.3.6., and 9.10.3.10.

Subdivision 4 - Location

9.10.4. Private Walkway/Driveway

1. The minimum distance of any private walkway, driveway or structure other than a fence from any fire hydrant shall be 2 metres.
2. No driveway shall encroach upon curb or pavement radii at intersections.
3. In the case of a corner lot in any zone, no driveway shall be located closer than 6 metres from the intersection of property lines forming the corner.
4. No access shall be permitted onto boulevards.
5. Notwithstanding 9.10.4.4. where a parcel does not adjoin an avenue, street or crescent, the owner may make application to the municipality for permission to construct an access onto a boulevard.
6. Any two driveways connecting with a single highway shall be separated by an island area not less than 3.5 metres in width if the driveways are entering any street from a parking lot, off-street loading area, or service station and shall also apply on any driveways used or intended for use by public.
7. Any application made under 9.10.4.5. and denied, shall be subject to an appeal to the Council.

Culverts, Curbstops

8. No culverts shall be installed on any highway without first obtaining a permit from the Municipal Engineer which will indicate required culvert type, size and grades. Installation shall be in accordance with the District of Kitimat Engineering construction specifications and the permit. Illegal installations shall be subject to correction or removal at the owner's expense as determined by the Municipal Engineer.

Subdivision 4 - Location (Continued)

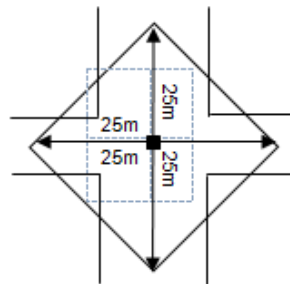
- 9.10.4. 9. Curbstops for water services are not to be paved over or covered with any material. When stops are illegally covered, they will be relocated at the property owner's expense as determined by the Municipal Engineer.

Projections

10. No part of any canopy or sign shall extend closer than one metre to the travelled portion of any street or lane.
11. a. Unless expressly waived in writing by the Chief Administrative Officer the owner or occupier of the land applying for a permit for a suspended structure shall file with the District of Kitimat an insurance policy insuring against liability for bodily injury or property damage.
- b. The insurance covering bodily injury shall be in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) each person, and Two Hundred Thousand Dollars (\$200,000.00) each occurrence, and the property damage liability shall be an amount of not less than One Hundred Thousand Dollars (\$100,000.00) each accident. The District of Kitimat shall be a named insured and the policy shall not be subject to cancellation except upon TEN (10) days notice to all insured. The form of policy shall be as approved by the Chief Administrative Officer.
12. As a condition to the granting of the application, the application shall execute an encroachment agreement in the form prescribed by the municipality.

Subdivision 5 - Line of Vision at Intersections

- 9.10.5. 1. There shall be no obstruction to the line of vision between 1.0 metres to 3.0 metres above the established grade of streets within an area bounded by the centre lines of intersecting or intercepting streets and a line joining a point on each of the centre lines 25 metres from their intersection, provided that signs erected by the District of Kitimat and utility poles shall not be considered obstructions for this purpose, as shown below.



Required Line of Vision at Intersections

Subdivision 6 - Ice and Snow Control

- 9.10.6. 1. For the purpose of this Subdivision, the following definitions shall apply:
- "Highway" as defined in 3.1.1.1 "Street or Highway".
- "Boulevard" as defined in 9.10.2.1.
- "Other Public Space" as defined in 1.1.2.1. "Public Space", excluding "Boulevard".
2. The District of Kitimat, at the sole discretion of the Municipal Engineer or his designate, reserves the right to prohibit deposits of ice and snow removed from private property and accesses from being deposited onto any portion of any highway, boulevard, or any other public space, or into any roadside ditches or storm drainage system.
3. Should ice and snow that has been removed from private property and accesses be deposited onto any portion of any highway, boulevard, or any other public space, or into any roadside ditches or storm drainage system those persons depositing the snow and ice shall be responsible to restore, to the District's satisfaction, all damages to those areas caused by such deposits.
4. Persons depositing ice and snow onto a portion of any highway, boulevard, other public space, or roadside ditches or storm drainage system, shall remove all such deposits immediately upon the request of the Municipal Engineer or his designate, and restore to the satisfaction of the Municipal Engineer or his designate, all damages to those areas caused by such deposits.
5. Failure to remove the deposit of ice and snow from, and repair damages caused by such deposits, to any portion of any highway, boulevard, or any other public space, or into any roadside ditches or storm drainage system, upon receiving a request to do so from the Municipal Engineer or his designate, shall result in the District removing such deposits and repairing damages at the expense of those persons who deposit such ice and snow.