

APPROVING OFFICER means the officer so designated by Council resolution under the *Land Title Act*, and includes the Deputy Approving Officer and Alternate Approving Officer.

BUILDING OFFICIAL means the person so defined in the Township's Building Bylaw, as amended from time to time.

CONSULTING ENGINEER means a Professional Engineer engaged by the Owner to design and oversee the construction of Works and Services.

CONTRACTOR means the person or company undertaking the construction of the Works and Services in a Development or Subdivision, or on Township property, and includes the Contractor's employees, subcontractors and other duly authorized representatives.

COUNCIL means the Council of the Corporation of the Township of Esquimalt.

COVENANT has the same meaning as described in section 219 of the *Land Title Act*, and in the context of agreements between private property owners includes a common law restrictive covenant.

CUL-DE-SAC means a Highway which terminates with a vehicular turning area.

CYCLING FACILITIES means improvements intended to facilitate travel by bicycle and similar active modes of transportation, including bike lanes and walkways as part of a multi-use facility, generally in accordance with the BC Active Transportation Design Guide and similar plans and policies.

DESIGN DRAWINGS means the plans, designs and specifications for the Works and Services pursuant to a Subdivision or Development application required by this Bylaw.

DEVELOPMENT means any construction that requires a building permit under the Township's Building Bylaw, as amended from time to time.

DIRECTOR, or MUNICIPAL ENGINEER, means the person appointed by Council as head of the Engineering and Public Works Department, or their designate.

FRONTAGE means that length of a Parcel boundary which immediately joins a Highway other than a lane or walkway. On a Parcel where more than one of the Parcel boundaries continuously adjoins a Highway, the shortest Parcel boundary must be considered its Frontage.

HIGHWAY means a public street, road, lane, bridge, viaduct, and any other way open to the use of the public but does not include a private right-of-way on private property.

MMCD means:

- (1) The Municipal Infrastructure Design Guideline Manual published by the Master Municipal Construction Documents Association;

- (2) The Master Municipal Specifications and Standard Detail Drawings in the 2019 Edition of the Master Municipal Construction Documents published by the Master Municipal Construction Documents Association, excluding all references to measurement and payment in the Master Municipal Specifications, and includes the definitions of such terms used in the Master Municipal Specifications and Standard Detail Drawings as are set out in the General Conditions in Volume II; and
- (3) All documents supplemental to the Master Municipal Specifications, the Standard Detail Drawings and the relevant definitions set out in the General Conditions that are issued from time to time by the Association, as amended from time to time, unless specifically modified by this Bylaw and its Schedules.

MUNICIPAL DRAINAGE SYSTEM means a system owned, operated and maintained by the Township for the collection, conveyance and disposal of storm water.

MUNICIPAL SANITARY SYSTEM means a system owned, operated and maintained by the Township for the collection, conveyance, treatment and disposal of sanitary sewage.

MUNICIPAL WATER SYSTEM means a system owned, operated and maintained by the City of Victoria for the conveyance of potable water within the boundaries of the Township.

OFFICIAL COMMUNITY PLAN means the official community plan of the Township as adopted by bylaw and amended from time to time.

OWNER means a person registered in the records of the Land Title Office as the registered owner of the land or of a charge on land that is the subject of Subdivision or Development, or an agent authorized in writing by the owner, and includes:

- a) The tenant for life under a registered life estate;
- b) The registered holder of the last registered agreement for sale;
- c) The holder or occupier of land held in the manner as referred to in section 228 or 229 of the *Community Charter*; and
- d) An owner as defined in the *Strata Property Act*.

PARCEL means any lot, block or other area in which land is held or into which land is subdivided, but does not include a Highway.

PROFESSIONAL ENGINEER means a member of the Association of Professional Engineers and Geoscientists of the Province of British Columbia who is registered or licensed under the *Professional Governance Act* and regulations thereunder.

PUBLIC UTILITY means any utility company, utility service provider or government having facilities installed within any Highway, SRW or utility right of way for the purpose of providing a service, including without limitation water, sewage, drainage, street lighting, electricity, telephone, cable television, telecommunications and gas distribution systems.

- (3) Regarding inspection by the Township:
 - (a) Township staff authorized to administer this Bylaw may periodically inspect the Works and Services and assist in coordinating construction with any related Township works; and
 - (b) If any use of unacceptable materials or practices is brought to the attention of the Contractor and the Consulting Engineer, and if remedial action is not taken to the satisfaction of the Director, the Director may issue instructions to the Consulting Engineer to immediately cease construction until remedial action is taken.
- (4) If the Consulting Engineer wishes to make any changes in the Approved Plans either before or during the execution of the Works and Services:
 - (a) The Consulting Engineer shall first submit a marked print showing proposed revisions to the Director.
 - (b) If approval or revision is granted, the Approved Plans shall be immediately revised, marked as approved by the Director in accordance with Section 9, and new prints issued, and such plans will become the Approved Plans.
- (5) A copy of the Approved Plans must be maintained by the Contractor at the construction site during the installation of all Works and Services.
- (6) Underground services will not be permitted to operate as part of existing Municipal services until the respective Works and Services have been inspected, tested and approved in writing by the Director. For certainty, the Director may require the Owner to undertake additional testing in accordance with Section 17 of this Bylaw.

13. STANDARDS

- (1) All Works and Services required by this Bylaw, or by Council Resolution in accordance with the *Local Government Act*, must be designed, constructed and installed:
 - (a) In accordance with the requirements and specifications of Schedule B, including with respect to:
 - (i) Concrete Sidewalks TOE-SD-C2.1;
 - (ii) Typical Driveway Crossings – TOE-SD-C7.1;
 - (iii) Typical Driveway Crossing Cross Section TOE-SD-C7.2;
 - (iv) Double Wheelchair Ramps (Preferred) TOE-SD-C9.1;
 - (v) Single Radial Wheelchair Ramp TOE-SD-C9.2;
 - (vi) Single Directional Wheelchair Ramp TOE-SD-C9.3;
 - (vii) T-Intersection/Mid-Block Wheelchair Ramp TOE-SD-C9.4;
 - (viii) Sign Post Sleeve TOE-SD-C16;
 - (ix) Pavement Restoration TOE-SD-G5.1;
 - (x) Sanitary and Storm Sewer Services TOE-SD-S7a;
 - (xi) Inspection Chamber for 100 to 200 Sanitary and Storm Sewer Connections TOE-SD-S9a;
 - (xii) Top Inlet Catch Basin TOE-SD-S11a;
 - (xiii) Driveway Crossing Widths TOE-SD-R9.0 ;
 - (xiv) Driveway Grades TOE-SD-9.1;
 - (xv) Raised Crosswalk Plan/Profile TOE-SD-R5.1;

- (xvi) Raised Crosswalk Sections TOE-SD-R5.2;
- (xvii) Sinusoidal Speed Hump TOE-SD-R5.3
- (b) For sidewalks, including widths, in accordance with the British Columbia Active Transportation Design Guide, 2019 edition, as may be replaced or amended from time to time.
- (c) For Cycling Facilities,
 - (i) In accordance with the British Columbia Active Transportation Design Guide, 2019 edition, as may be replaced or amended from time to time, or
 - (ii) As may otherwise be modified or required by the Director in consideration of Township's Active Transportation Network Plan, existing development patterns, Township policies and practices and good engineering practice;
- (d) For Road Classifications, following Official Community Plan for classifications and MMCDs for corresponding standards;
- (e) For on-site sanitary sewer connection, following BC Building Code;
- (f) Otherwise
 - (i) In accordance with the MMCD, however
 - (ii) If MMCD has more than one standard, then that standard which most closely replicates existing or recent infrastructure, is applicable unless the schedules of this Bylaw advise otherwise, as determined by the Director in consideration of existing development patterns, Township policies and practices and good engineering practice.

14. EXCESS OR EXTENDED SERVICES

- (1) The Director may require that a Consulting Engineer take the following into consideration in the design of Works and Services for a Subdivision or Development:
 - (a) In the case of sewage and drainage works, the downstream capacity of municipal infrastructure, and may require that the Consulting Engineer identify alterations or improvements to downstream works that are required in order that the Subdivision or Development can be accommodated without placing an undue burden on downstream works;
 - (b) In the case of water distribution works, the upstream capacity of City of Victoria infrastructure, and may require that the Consulting Engineer identify alterations or improvements to upstream works that are required in order that the Subdivision or Development can be accommodated without unduly reducing the level of service provided to other users of the water distribution system; and
 - (c) In the case of Highway works, the capacity of the Highway network in the vicinity of the Subdivision or Development, and may require that the Consulting Engineer identify alterations or improvements that are required to the Highway network in order that the Subdivision or Development can be accommodated without reducing the level of service of any portion of the Highway network below an acceptable level.