

CITY OF PRINCE GEORGE

BYLAW NO. 7652

AMENDMENT BYLAWS

A Bylaw of the City of Prince George to regulate the subdivision of land, require the provision of works and services in the subdivision and development of land, and prescribe the standards for infrastructure works and services.

WHEREAS, pursuant to the provisions of the *Community Charter* and the *Local Government Act*, City Council may by Bylaw delegate powers to an Approving Officer;

AND WHEREAS, pursuant to the provisions of the *Local Government Act*, City Council may by Bylaw regulate Works and Services, vary the standards of Works and Services, require payment of fees and charges and require the provision of extended or excess services.

NOW THEREFORE, Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

1.0 Title

This Bylaw may be cited as the "City of Prince George Subdivision and Development Servicing Bylaw No. 7652, 2004".

2.0 Repeal

"Prince George Subdivision Control Bylaw No. 3538, 1981" and all amendments thereto are hereby repealed.

3.0 Definitions

3.1 Definitions for key words and phrases not contained in legislation or other City Bylaws are listed in Schedule A.

4.0 General

4.1 Unless otherwise defined herein, all words or expressions in this Bylaw shall have the same meaning as any similar words or expressions contained in the *Land Title Act*, the *Community Charter*, the *Local Government Act* and the *Strata Property Act*.

4.2 Words in this Bylaw directing or empowering any officer of the City to do any act or thing, or otherwise applying to him by name of office, include his successors in such office and his lawful deputy, and any person the Council may from time to time by Bylaw or resolution designate to act in his place.

4.3 Headings for each section of this Bylaw are intended to organize the content and are to be used for reference purposes only.

- 4.4 Wherever the singular or masculine form of a word is used, it shall also mean the plural or feminine form of the word as the case may be. All words are intended to be gender neutral.
- 4.5 The provisions of this Bylaw shall apply to the whole of the territorial area of the City of Prince George.
- 4.6 A reference in this Bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time, and a reference to any bylaw of the City is a reference to the bylaw as amended, revised, consolidated or replaced from time to time.

BL7863

5.0 Approving Officer

- 5.1 The Approving Officer appointed by Council pursuant to the provisions of the *Land Title Act* shall be responsible for administration of this Bylaw.
- 5.2 Pursuant to the provisions of the *Community Charter* and the *Local Government Act*, Council delegates to the Approving Officer its authority to exempt a Parcel from the statutory minimum highway frontage of ten percent of the perimeter of the parcel .
- 5.3 Pursuant to the provisions of the *Community Charter* and the *Strata Property Act*, Council delegates to the Approving Officer its authority to approve the conversion of previously occupied residential, commercial and industrial buildings to strata ownership.
- 5.4 When agreements and covenants are required by the City at the time of approval of a subdivision, the Approving Officer shall not accept any alterations to the form of agreements and covenants contained in Schedule E unless approved by the Authorized Person.

6.0 Subdivision and Development Servicing

6.1 Subdivision Works and Services

An Applicant or Owner who intends to subdivide land within the City of Prince George is required to seek approval for such subdivision in accordance with this section 6.1 and to provide works and services in accordance with section 7.

6.1.1 Subdivision Application

- 6.1.1.1 An Applicant or Owner who intends to subdivide land under the *Land Title Act* shall seek approval for subdivision from the Approving Officer.
- 6.1.1.2 An Applicant or Owner who intends to subdivide land by the deposit of a strata plan in the land title office under the

Strata Property Act shall seek approval for subdivision from the Approving Officer.

- 6.1.1.3 An Applicant or Owner who, under the *Strata Property Act*, intends to include in a strata plan a previously occupied building shall make application for strata conversion to the Approving Officer.
- 6.1.1.4 Application and processing fees in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004 are payable at the time of Application submission to the Approving Officer. Review of the Application may only proceed when fees have been paid in full.
- 6.1.1.5 Should the Authorized Person determine that a Consulting Engineer is to be retained by the Owner to design and certify that the required Works and Services are installed in accordance with this Bylaw, a Letter of Assurance shall be submitted by the Consulting Engineer confirming that he is responsible for the design and has been retained by the Owner to provide enough resident supervision to enable him to certify that the works are constructed in accordance with this Bylaw and with the design, specifications and drawings accepted by the Authorized Person and that he will immediately advise the Authorized Person if he is removed from the project.

6.1.2 Subdivision Approval – City Requirements

- 6.1.2.1 When works and services are required within adjacent or perimeter roads, the Owner shall pay for the installation of the required works and services in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004.
- 6.1.2.2 When the extension of works and services is required within the adjacent or perimeter road or City right-of-way, and the Authorized Person requires that the required works and services be performed by the City at the Owner's cost, the Owner shall enter into an agreement with the City to construct the works and services in Form C of Schedule E. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the City.
- 6.1.2.3 Design drawings and a construction schedule for the required works and services, required by the Authorized

Person for review prior to construction, shall be prepared by a Professional Engineer in accordance with Schedule F.

- 6.1.2.4** Examination fees, inspection fees, and sign installation fees in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004 are payable at the time of Subdivision Approval to the Approving Officer.
- 6.1.2.5** Development cost charges in accordance with the Development Cost Charge Bylaw No. 6861, 1997 may be applicable at the time of Subdivision Approval.
- 6.1.2.6** If the Owner has not completed the required Works and Services at the time of Subdivision Approval, the Owner shall enter into an agreement with the City in Form A of Schedule E and provide security as described in the agreement. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the City.
- 6.1.2.7** Unless the installation or construction of the works and services are performed by the City, the Owner shall submit to the Authorized Person at the time of Subdivision Approval the following:
 - (a) Record drawings and documentation as required by the Authorized Person in accordance with Section 9.1;
 - (b) The Engineer's Certificate of Substantial Completion in accordance with Section 9.2 of this Bylaw;
 - (c) Security for:
 - (i) Any outstanding Works and Services, including record drawings or documentation, in the amount of 120% of the cost of the outstanding works as determined by the Engineer and accepted by the Authorized Person;
 - (ii) The Performance Test Period of works and services provided by the Owner in accordance with Section 9.3;
 - (d) Where applicable, approvals from federal and provincial government agencies with respect to the acceptance of water systems servicing, the protection of streams and

the acceptance of onsite sanitary sewage disposal systems; and

- (e) When required by the Authorized Person, letters of acceptance of the works and services from utility companies.

6.1.3 Strata Conversion Approval

- 6.1.3.1** Examination fees, and inspection fees in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004 are payable at the time of approval of a strata conversion to the Approving Officer.
- 6.1.3.2** In making his decision, the Approving Officer may require the Owner or Applicant to retain the services of a qualified Professional Engineer or Architect to inspect the premises and prepare and certify a report on the integrity and condition of the building structure, the condition of the heating, ventilation and air conditioning system, the condition and integrity of the plumbing system, the condition and R-rating of building insulation, the status of or requirement for firewalls, Building Code deficiencies, estimated costs to improve the building to Building Code standards and any other information that will assist the Approving Officer in making his decision with respect to the proposed conversion.

6.2 Development Works and Services

An Applicant or Owner who intends to develop land within the City of Prince George is required to apply for a building permit in accordance with this section 6.2 and provide offsite works and services in accordance with section 7.

6.2.1 Development Application

- 6.2.1.1** An Applicant or Owner who intends to develop land shall make a building permit application to the Building Inspector in accordance with the Building Bylaw.
- 6.2.1.2** Application and processing fees in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004 are payable at the time of Application submission to the Building Inspector. Review of the Application may only proceed when fees have been paid in full.

6.2.1.3 Should the Authorized Person determine that a Consulting Engineer is to be retained by the Owner to design and certify that the required Works and Services are installed in accordance with this Bylaw, a Letter of Assurance shall be submitted by the Consulting Engineer confirming that he is responsible for the design and has been retained by the Owner to provide enough resident supervision to enable him to certify that the works are constructed in accordance with this Bylaw and with the design, specifications and drawings accepted by the Authorized Person and that he will immediately advise the Authorized Person if he is removed from the project.

6.2.2 Development Approval – City Requirements

- 6.2.2.1** When works and services are required within adjacent or perimeter roads, the Owner shall pay for the installation of the required works and services in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004.
- 6.2.2.2** When the extension of works and services is required within the adjacent or perimeter road or City right-of-way, and the Authorized Person requires that the required works and services be performed by the City at the Owner's cost, the Owner shall enter into an agreement with the City to construct the works and services in Form C of Schedule E. The Authorized Person is delegated by Council to make alterations to the agreement as required and to execute the agreement on behalf of the City.
- 6.2.2.3** Design drawings and a construction schedule for the required works and services, required by the Authorized Person for review prior to construction, shall be prepared by a Professional Engineer in accordance with Schedule F.
- 6.2.2.4** Examination fees, inspection fees, and sign installation fees in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004 are payable at the time of Development Approval to the Building Inspector.
- 6.2.2.5** Development cost charges in accordance with the Development Cost Charge Bylaw No. 6861, 1997 may be applicable at the time of Development Approval.
- 6.2.2.6** If the Owner has not completed the required Works and Services at the time of issuance of the building permit, the Owner shall enter into an agreement with the City in Form B of Schedule E and provide Security as described in the agreement. The Authorized Person is delegated by Council

to make alterations to the agreement as required and to execute the agreement on behalf of the City.

- 6.2.2.7** Unless the installation or construction of the works and services are performed by the City, the Owner shall submit to the Authorized Person at the time of Development Approval the following:
- (a) Record drawings and documentation as required by the Authorized Person in accordance with Section 9.1;
 - (b) The Engineer's Certificate of Substantial Completion in accordance with Section 9.2 of this Bylaw;
 - (c) Security for:
 - (i) Any outstanding Works and Services, including record drawings or documentation, in the amount of 120% of the cost of the outstanding works as determined by the Engineer and accepted by the Authorized Person;
 - (ii) The Performance Test Period of works and services provided by the Owner in accordance with Section 9.3;
 - (d) Where applicable, approvals from federal and provincial government agencies with respect to the acceptance of water systems servicing, the protection of streams and the acceptance of onsite sanitary sewage disposal systems;
 - (e) When required by the Authorized Person, letters of acceptance of the works and services from utility companies; and
 - (f) If requested by the Building Inspector or Authorized Person, a site grading plan, stormwater management plan, erosion control plan, sedimentation control plan and drawings showing provision for oil/water and sedimentation separators for drainage systems, and water servicing drawings showing provision for water supply backflow prevention, all prepared by the Consulting Engineer.

6.3 Latecomer Agreement

- 6.3.1** Council delegates to the Authorized Person its authority to determine under Section 939 (5) of the *Local Government Act* the proportion of the cost of providing works that constitute an excess or extended service, to identify benefiting lands, to determine the amount of latecomer charges payable upon the development of benefiting lands, and to prepare and to execute a Latecomer Agreement.
- 6.3.2** If the Owner intends to have the Authorized Person prepare a Latecomer Agreement, the Owner must provide all background information and reports necessary to allow the Authorized Person to determine the excess or extended capacity services that are provided, the lands that are benefiting from the excess or extended services, the costs of providing the excess or extended services, and the charge payable for any future connection.
- 6.3.3** The Owner's Consulting Engineer shall provide certified actual costs for the excess or extended Works and Services being provided, as well as estimates of the costs that are excess to the Owner's requirements, the area of each Parcel benefiting from the Works and Services and a recommendation on the term of the Agreement.
- 6.3.4** For the purposes of a latecomer agreement, interest shall be calculated at the Bank of Canada prime rate.

7.0 Works and Services Requirements

7.1 General Provisions

- 7.1.1** The required Works and Services to be provided by the Owner within each zoning district throughout the City as designated in the Zoning Bylaw, unless otherwise exempted in Section 7.2, are listed in Table 1.
- 7.1.2** The Works and Services provided shall:
- (a) be connected to all Parcels created by Subdivision, unless exempted under Section 7.2;
 - (b) be fully completed on all Highways within the Subdivision or Development, and to the centreline of the Highway where the Works and Services are required within a Highway adjacent to the Subdivision or Development, to the standards prescribed in Schedule C and Schedule D;

- (c) be connected by water, sanitary sewage or drainage mains to the City's systems in accordance with the standards prescribed in Schedule C – “Infrastructure Specifications” and Schedule D – “Standard Infrastructure Drawings” of this Bylaw;
- (d) provide for extensions and connections of the works and services to Parcels and systems beyond the proposed Subdivision or Development and, where necessary, Excess or Extended Services may be required, at the cost of the Owner; and
- (e) be connected to the appropriate utility company works.

7.1.3 The Authorized Person is delegated by Council as follows:

BL7863

- (a) To make alterations to any and all forms of agreement, restrictive covenants, works and services agreements, latecomer agreements, parkland provision agreements or statutory right-of-way agreements contained in Schedule E;
- (b) To execute any agreement under 7.1.3 (a); and,
- (c) To execute a third party easement agreement.

7.2 Works and Services Exemptions

7.2.1 The Subdivision and Development of Parcels situated in areas outside the areas designated as “Urban”, “Downtown”, “Regional Commercial”, “Arterial Commercial”, “Commercial Recreation” and “Light Industrial” on Schedule C – Long Range Land Use Map of the City’s Official Community Plan do not require storm sewer systems, curb and gutter, underground street lighting wiring, or underground electric power and telecommunications. In these areas, roadside drainage channels or ditches and overhead power and communication services shall be installed in accordance with Schedule C and Schedule D.

7.2.2 The Subdivision and Development of Parcels situated within areas indicated in Schedule B of this bylaw are exempt from providing the works and services as described in Schedule B.

7.2.3 At the time of Subdivision Approval, the Authorized Person may waive the requirement to install waterworks, sewage collection and storm sewer collection service laterals from the service mains to Parcels created by the subdivision, when the zoning regulations for the Parcels permit multi-family residential, commercial, institutional and industrial uses, and the size and extent of future development on the parcels is unknown at the time of Subdivision Approval.

7.2.4 The Owner is not required to provide water works, sewerage, drainage works, underground wiring, street lighting or Highway works where

such works already exist and provide the minimum standards prescribed in Schedule C – “Infrastructure Specifications” and Schedule D – “Standard Infrastructure Drawings” of this Bylaw, as determined by the Authorized Person.

TABLE 1**WORKS AND SERVICES REQUIRED FOR SUBDIVISION AND DEVELOPMENT BL7863**

SECTION	SERVICES REQUIRED	PARCEL ZONING^{1,2}
7.3	HIGHWAYS	
	Asphalt pavement surface	All zones, except AG, AF, and W
	Street information and regulatory signage	All Zones
	Curb and gutter and boulevard treatment	All RS, RT, RM, C, M1, M2, M3, M4, P and Z zones
	Underground electric power distribution, telecommunication and street lighting wiring.	All RS, RT, RM, C2, C3, C4, C5, C6, C7, C8, C9, M1, M2, M3, M4, P and Z zones
	Overhead electric power and telecommunication services.	All AG, AF, AR, C1, M5, M6, M7, U and W zones
	Portland Cement Concrete Sidewalks and boulevard landscaping.	All RS, RT, RM, C, M1, M2, M3, M4, P and Z zones
7.4	SEWAGE COLLECTION AND DISPOSAL	
	On-site private sewage disposal system	All AG, AF, AR, M5, M6, M7, U and W zones
	City sewage collection and disposal system	All RS, RT, RM, C, M1, M2, M3, M4, P and Z zones
7.5	DRAINAGE AND STORM RUNOFF COLLECTION	
	Open channel drainage system for the road network.	All AG, AF, AR, M5, M6, M7, U and W zones
	City storm sewer collection system for the road network.	All RS, RT, RM, C, M1, M2, M3, M4, P and Z zones
7.6	WATERWORKS	
	One parcel per well. A minimum well capacity of 0.25 litres per second for single-family residential use and as determined by the Authorized Person for other uses at the time of application.	All AG, AF, AR, M5, M6, M7, U and W zones
	City water distribution and fire hydrant system	All RS, RT, RM, C, M1, M2, M3, M4, P and Z zones

¹ Whenever references to a zone include only the letters AG, AF, AR, RS, RT, RM, C, M, P, U, W or Z they shall be deemed to include all zones which contain those letters in combination with other numbers or letters.

² Where a single parcel is located in more than on zone, pursuant to City of Prince George Zoning Bylaw No.7850, the works and services required by Table 1 shall be applied as if the zone boundary were a parcel boundary.

7.3 Highways

7.3.1 All Highways provided by the Owner shall be constructed in accordance with the standards and specifications as defined in Schedule C – “Infrastructure Specifications” and Schedule D – “Standard Infrastructure Drawings” of this Bylaw.

7.3.2 The Owner shall provide without compensation land for Highway purposes, in accordance with section 945 (2) of the *Local Government Act*. Where the City requires road widths to meet the Desired Maximum as indicated in section 7.3.3, the Authorized Person shall arrange compensation for the provision of the land for highway purposes with the Owner.

7.3.3 All dedicated Highway widths shall be as specified below:

BL7863

Highway Description	Minimum	Desired Maximum
Arterial	25 metres	Undefined
Collector	20 metres	25 metres
Lane	7 metres	10 metres
Local	20 metres	20 metres
Pathway, Bicycle Path	3 metres	6 metres

Maximum cul-de-sac length, measured from the connecting Highway as indicated in Schedule D of this Bylaw, shall be as specified below:

Zoning	Minimum Length	Maximum Length
All AG, AF, AR1, AR2 and W	9.0 metres	570.0 metres
All AR3	9.0 metres	275.0 metres
All other zones	9.0 metres	125.0 metres

The minimum median, pavement, shoulder and boulevard widths for the classification of Highway shall be as specified in Schedules C and D of this Bylaw.

7.4 Sewage Collection and Disposal

7.4.1 The Sewage collection and disposal system, where required as detailed in Table 1, shall be designed in accordance with Schedules C and D of this Bylaw and all applicable Provincial and Federal regulations.

7.4.2 An application, with the payment of an Application Fee in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004, for connection to the City’s existing Sanitary Sewer

facilities shall be made by the Owner, or Applicant, to the Authorized Person.

- 7.4.3** Connection to the City's existing Sewage facilities shall be in accordance with the terms and conditions set out in the City's Sanitary Sewer Bylaw.
- 7.4.4** Where privately owned sewage facilities are allowed in Table 1, the facilities shall be designed and constructed in accordance with the requirements and performance criteria of the local Ministry of Health authority having jurisdiction.
- 7.4.5** The Authorized Person may waive the requirements of section 7.1.2(d) where the sanitary sewer servicing extension to lands beyond is not practical because of topographic, soil constraints or other constraints deemed appropriate by the Authorized Person.

7.5 Drainage

- 7.5.1** The Drainage collection and disposal services shall be provided in accordance with Schedules C and D of this Bylaw.
- 7.5.2** An application, with the payment of an Application Fee in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004, for connection to the City's existing Storm Sewer facilities shall be made by the Owner, or Applicant, to the Authorized Person.
- 7.5.3** Connection to the City's existing Drainage facilities shall be in accordance with the terms and conditions set out in the City's Storm Sewer System Bylaw.
- 7.5.4** An existing drainage facility shall not be assumed, in the design of drainage works required by this Bylaw, to have adequate capacity to receive the design flow, nor to be acceptable to the City. Existing undersized or otherwise inadequate drainage facilities shall be upgraded to accommodate the appropriate flow as required for the Subdivision or Development.
- 7.5.5** The design of drainage management systems for the proposed development or subdivision and lot grading drawings for each lot created by subdivision shall be prepared by a qualified Professional Engineer and to the satisfaction of the Authorized Person. Works to incorporate the drainage management system shall be installed by the Applicant, or Owner, to the satisfaction of the Authorized Person prior to Subdivision Approval or Issuance of a Building Permit.
- 7.5.6** On-site storm water sub-surface recharge systems or detention ponds may be required or provided to reduce or regulate discharge into the City's storm sewer system. Such systems shall be designed by a

qualified Professional Engineer with expertise in hydrology, soils, lot grading and drainage systems. No sub-surface recharge systems shall be installed in locations where potable water well contamination is deemed to be a risk by the Authorized Person. All proposed recharge and detention pond systems are subject to approval by the Authorized Person prior to Subdivision Approval or Issuance of a Building Permit.

- 7.5.7** To restrict the conveyance of sedimentation from Development Parcels to the City's Drainage system during construction, a drainage and erosion control facility approved by the Authorized Person shall be provided prior to commencement of construction to ensure all construction site runoff is directed to temporary settlement facilities to remove silts and sediments.
- 7.5.8** The Authorized Person may waive the requirements of section 7.1.2(d) where the storm sewer servicing extension to lands beyond is not practical because of topographic, soil constraints or other constraints deemed appropriate by the Authorized Person.

7.6 Waterworks

- 7.6.1** The Waterworks system, where required as detailed in Table 1, shall be designed and approved in accordance with Schedules C and D of this Bylaw and the requirements of the *Drinking Water Protection Act* and the Drinking Water Protection Regulation.
- 7.6.2** An application, with the payment of an Application Fee in accordance with the Comprehensive Fees and Charges Bylaw No. 7557, 2004, for connection to the City's existing Waterworks facilities shall be made by the Owner, or Applicant, to the Authorized Person.
- 7.6.3** Connections to the City's existing Waterworks facilities, and use of City water for testing, disinfection and flushing purposes, shall be in accordance with the terms and conditions set out in the City's Waterworks Bylaw and in Schedule C Infrastructure Specifications of this Bylaw.
- 7.6.4** When connection to City Waterworks is required, or is requested by the Owner and approved by the Authorized Person, the Development Parcels or the Parcels created by Subdivision shall be provided with a Waterworks system that meets the maximum-day water demand and fire protection requirements established in Schedule C of this Bylaw, the City's Waterworks Bylaw, the British Columbia Building Code and all applicable fire code regulations.
- 7.6.5** Where privately owned Waterworks are acceptable to the Authorized Person and provided by the Owner as detailed in Table 1, the facilities

shall be designed and constructed in accordance with the requirements of the *Drinking Water Protection Act* for supply of potable water as determined and approved by the local Ministry of Health authority having jurisdiction.

7.6.6 The Owner's Consulting Engineer shall verify and certify the quality and capacity of any private water distribution system or well.

7.6.7 The Authorized Person may waive the requirements of section 7.1.2(d) where the waterworks system servicing extension to lands beyond is not practical because of topographic, soil constraints or other constraints deemed appropriate by the Authorized Person.

7.7 Other Services

Other services that are integral parts of Highways, Sewage, Drainage and Waterworks facilities, shall be designed by the Consulting Engineer and provided by the Owner in accordance with the standards and specifications set out in Schedules C and D of this Bylaw.

7.8 Rights-of-Way, Covenants and Easements

The Owner shall pay for the cost of legal surveys, legal fees and registration of all Rights-of-Way, Covenants and Easements required by the Authorized Person for subdivision or development.

8.0 Park Land Acquisition

8.1 Servicing Requirements

8.1.1 A park land parcel or area dedicated as park on a subdivision plan shall be serviced by the Owner or Applicant at no cost to the City with connections to the property line for water, sanitary sewer and storm sewer in the size up to but not exceeding 150 mm for water, 150 mm for sanitary sewer, 200 mm for storm sewer and a single phase electrical service.

8.1.2 Final sizes and locations of services to park land will be determined by the Authorized Person prior to construction and installation by the Owner.

9.0 Owner's Responsibility

The Owner and the Owner's Consulting Engineer shall complete all reports, designs, specifications and supporting documentation related to the provision of all required Works and Services for any Subdivision or Development.

The Owner and Consulting Engineer shall coordinate their design and construction work with the works and services provided by utility companies including those that provide electric power, telecommunications and natural gas.

9.1 Record Drawings and Documentation

9.1.1 The Consulting Engineer shall prepare and submit as described in Schedule F sealed infrastructure record drawings of all completed Works and Services, electronic GIS-ready drawings, and History Sheets providing Parcel servicing details. The as-constructed record drawings shall be sealed by the Consulting Engineer certifying that all of the Works and Services have been installed to the standards and specifications prescribed by this Bylaw and approved by the Authorized Person, and that the construction was completed under the Consulting Engineer's direct supervision.

9.1.2 The as-constructed record drawings shall be submitted within 30 days following the Consulting Engineer's submission of the Certificate of Substantial Completion. If the drawings are not submitted, the works and services shall be considered deficient and security in the amount required to prepare the record drawings may be held by the Authorized Person until the record drawings are submitted to the satisfaction of the Authorized Person.

9.1.3 As required by the Authorized Person, the Consulting Engineer shall submit documentation prepared by him or other specialists, consultants, and testing firms, prior to and during the installation of the Works and Services, including engineering reports, inspection reports, materials testing reports, lot grading reports, environmental monitoring reports, design briefs, shop drawings, operation and maintenance manuals, and other reports, which provide a historical account of the installation and construction activities and support the Consulting Engineer's certification of the Works and Services in accordance with this Bylaw.

9.2 Certificate of Substantial Completion

9.2.1 The Consulting Engineer shall submit a Certificate of Substantial Completion sealed by a Professional Engineer in a form acceptable to the Authorized Person, which:

- (a) certifies that all of the Works and Services were installed to the standards and specifications prescribed by this Bylaw and approved by the Authorized Person;
- (b) certifies that the necessary inspections, testing, cleaning of piping, disinfection of potable water systems, and other procedures as required, including approvals by regulatory Provincial and Federal agencies, have been conducted and that the Works and Services are safe and acceptable for public use;
- (c) certifies that the construction was completed under the Consulting Engineer's direct supervision,
- (d) provides, to the satisfaction of the Authorized Person, a description of any outstanding and deficient Works and Services; and
- (e) provides, to the satisfaction of the Authorized Person, a cost estimate, sealed by a Professional Engineer, for any deficient or outstanding Works and Services.

9.2.2 Following review of the documentation submitted and any field investigations he may deem necessary, the Authorized Person may acknowledge receipt and acceptance of the Consulting Engineer's Certificate of Substantial Completion by issuing a Notice of Construction Completion, the date of which shall mark the beginning of the Performance Test Period.

9.3 Performance Test Period and Security

- 9.3.1** The Owner shall provide Security, in the amount of 15% of the actual costs certified by the Consulting Engineer for all Works and Services provided and installed by the Owner, for a period of one year from the date of issuance of the Notice of Construction Completion (the "Performance Test Period").
- 9.3.2** The Owner shall maintain and make repairs to any Works and Services that do not continue to meet the minimum standards and specifications during the Performance Test Period.
- 9.3.3** If the Owner fails to make repairs within 30 days for non-emergency Works from the date when requested to do so in writing by the Authorized Person, or, in the case of emergency situations, within two hours of receiving verbal notification of the emergency, then the City, using its own forces or a contractor hired by the City, may make the necessary repairs and recover the costs by drawing down the Security.
- 9.3.4** The Authorized Person shall signify completion of the Subdivision or Development works and services requirement by issuing a Notice of

Final Acceptance for all Works and Services, which shall be owned, operated and maintained by the City once the Performance Test Period is over and all Works and Services, in the judgment of the Authorized Person, are performing as originally intended.

- 9.3.5** Provided that the requirements of Section 9.3.4 are met, the Performance Security shall be released when the Notice of Final Acceptance is issued.
- 9.3.6** If at the end of the Performance Test Period all or some of the works and services are not performing as originally intended, the Authorized Person at his discretion may extend the Performance Test Period for all or some of the works and services. The Security will be held by the City over the extended Performance Test Period, and the Authorized Person may proportionately reduce the amount of the Security at his discretion.
- 9.3.7** If the works and service are constructed or installed by the Owner between October 1 and April 15, the Consulting Engineer shall provide supporting documentation and testing information acceptable to the Authorized Person in respect of the cold weather construction practices employed by the Owner, and the Authorized Person at his or her discretion may extend the Performance Test Period for all or some of the works and services. The Security will be held by the City over the extended Performance Test Period, and the Authorized Person may proportionately reduce the amount of Security at his discretion.

10.0 Severability

If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any such decision shall not affect the validity of the remaining portions of this Bylaw.

11.0 Offence and Penalty

Any person contravening or committing any breach of or committing any offence against any provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this Bylaw prescribed or imposed or required to be done is liable, on summary conviction, to a fine not exceeding \$10,000.00 or to a term of imprisonment not exceeding three months, or both; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.

READ A FIRST TIME this 18th day of October , 2004.

READ A SECOND TIME this 18th day of October , 2004.

READ A THIRD TIME this 18th day of October , 2004.

All three readings passed by a unanimous decision of members of City Council present and eligible to vote.

ADOPTED THIS 1ST DAY OF NOVEMBER , 2004, BY A UNANIMOUS DECISION OF ALL MEMBERS OF CITY OF PRINCE GEORGE COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CLERK