



# ***THE CORPORATION OF THE CITY OF PORT COQUITLAM***

## **BYLAW NO. 2989**

### **A Bylaw to Regulate the Construction of Highway Ditch Crossings**

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Whereas the City Council may prohibit a person from obstructing or impeding the flow of a waterway, ditch, drain, or sewer;

And whereas the City has possession and control of highways and except as permitted by Bylaw, no person may encumber or obstruct any portion of a highway;

And whereas the ditches located within City highway rights of way are an important part of the City drainage system;

And whereas Council wishes to ensure that any crossings over highway ditches adjacent to private property do not impede the flow of drainage in the ditches;

And whereas Council is empowered to establish permit fees and inspection charges in relation to the construction of structures;

Now therefore, the Council of the City of Port Coquitlam in open meeting assembled enacts as follows:

1. This Bylaw may be cited as "Highway and Pedestrian Ditch Crossings Bylaw, 1995, No. 2989".

2. For the purpose of this Bylaw:

**"Ditch "** means a channel of a natural stream, creek, or watercourse;

**"Ditch Crossing"** means any bridge, culvert, or other construction spanning a highway ditch;

**"Highway Ditch"** means a drainage ditch greater than 2.5 metres in width, located within the right of way of a highway in the possession and control of the City;

**"Pedestrian"** means a person afoot or an invalid or child in a wheel chair or carriage; and

**"Pedestrian Crossing"** means a ditch crossing that is less than 1.8 metres in width, and less than 4 metres in length, located within a right of way or highway in the possession and control of the City to be used only by pedestrians.

3. a. No person shall construct or place any ditch crossing, except as authorized by this Bylaw;

- b. No person shall construct or place any pedestrian crossing, except as authorized by the Pedestrian Ditch Crossing Policy attached to and forming part of this Bylaw as Schedule "C".
4. No person shall place any obstruction, impediment, fill, or other materials in a highway ditch, except as authorized by this Bylaw.
5. Every person who proposes to construct a ditch crossing shall:
  - a. apply for and obtain a permit under Section 6 of this Bylaw;
  - b. pay the permit fee and inspection charges under Section 15 of this Bylaw; and
  - c. post security in accordance with Section 16 of this Bylaw.
6. Every person who wishes to obtain a permit to construct a ditch crossing shall apply to the City Engineer on the form set out in Schedule "A" to this Bylaw and shall comply with the requirements set out in Schedule "A".
7. Every application for a permit shall be accompanied by three copies of a plan drawn to scale, showing:
  - a. the boundaries and address of the parcel to be served by the crossing;
  - b. the location, width, and depth, of the highway ditch; and
  - c. the location, materials, and dimensions, of the proposed ditch crossing.
8. Where a person proposes to construct a ditch crossing over a highway ditch, the application for a permit shall also be accompanied by design drawings at a scale of 1:500 and construction specifications, all prepared and sealed by a member of the Association of Professional Engineers and Geoscientists of British Columbia.
9. The City Engineer shall examine the application and if satisfied that the proposed construction complies with this Bylaw and will not interfere with the municipal drainage system, shall issue a permit in the form set out as Schedule "B" to this Bylaw.
10. Every permit issued under this Bylaw shall be valid for a period of six months from its date of issuance and all construction authorized by the permit shall be completed within that period.
11. Every ditch crossing shall enclose or cover a minimum of 6.5 metres and a maximum of 8.5 metres of the length of the highway ditch.
12. Asphalt paving or concrete surfacing on a ditch crossing shall be not less than 4.5 metres wide and not more than 6.5 metres wide.
13. Every ditch crossing over a highway ditch:
  - a. shall be constructed only of steel or concrete, including rectangular box culverts constructed of prestressed reinforced concrete, provided that the crossing may be surfaced with asphalt; and
  - b. shall be designed by a member of the Association of Professional Engineers and Geoscientists of British Columbia in accordance with accepted engineering standards and shall be capable of supporting a load of not less than 5,000 kilograms.

14. No ditch crossing shall impede the flow of water in a highway ditch.
15. The fee for a permit under this Bylaw shall be \$50.00 and the charge for inspections (for Bylaw compliance only) related to the permit shall be \$200.00. Both amounts shall be payable prior to issuance of the permit.
16. Prior to issuance of a permit under this Bylaw, the applicant shall deposit with the City Engineer a cash deposit or irrevocable letter of credit, in the amount of \$5,000.00 or 115 percent of the value of the proposed work, whatever is greater, to secure the proper completion of the authorized work and the cleaning and restoration of the highway and any City property adjacent to the ditch crossing. The security shall be released only upon proper completion of the work and the submission of plans required under Section 17.
17. Upon completion of work on a project governed by this Bylaw, drawings at a scale of 1.500, prepared and sealed by a member of the Association of Professional Engineers and Geoscientists of British Columbia confirming that the work has been completed in accordance with the permit, shall be submitted to the City Engineer by the permit holder.
18. Every ditch crossing shall be maintained and repaired by the owner of the parcel served by the ditch crossing.
19. "Port Coquitlam Highways Bylaw, 1984, No. 2011" is amended by adding the following provision:  
  
"3.1 Section 3 of this Bylaw does not apply to a highway ditch crossing regulated by Highway Ditch Crossings Bylaw, 1995, No. 2989."
20. Any person who violates any provision of this Bylaw commits an offence punishable on summary conviction by a fine not exceeding \$5,000.00.

*Read a first time by the Municipal Council this 24th day of April, 1995.*

*Read a second time by the Municipal Council this 24th day of April, 1995.*

*Read a third time by the Municipal Council this 24th day of April, 1995.*

*Reconsidered, finally passed and adopted by the Municipal Council of the Corporation of The City of Port Coquitlam this 8th day of May, 1995.*

**L.M. TRABOULAY**  
 \_\_\_\_\_  
 Mayor

**S. RAUH**  
 \_\_\_\_\_  
 City Clerk

**RECORD OF AMENDMENT**

Bylaw 3123

Section 1, 2, 3, Schedule. C, D, E

**HIGHWAY AND PEDESTRIAN DITCH CROSSINGS BYLAW, 1995, NO. 2989**

**SCHEDULE "A"**

**APPLICATION FOR DITCH CROSSING PERMIT**

To The City of Port Coquitlam:

I, \_\_\_\_\_  
(the Owner)

the registered owner of:

\_\_\_\_\_  
(legal description)

hereby make application for permission to install a crossing over a City ditch for the purpose of:

\_\_\_\_\_

I understand that, if this application is approved, I must comply with the following requirements:

1. Clean existing ditch sides and bottom and provide a solid footing for crossing foundation.
2. Keep the crossing clear of all service connections (water, gas, etc.). The Owner is to be responsible for relocation of services if necessary.
3. The end of the crossing is to be located no closer than 1.5 metres to any adjacent property line and 3.0 metres to any adjacent bridge or culvert.
4. Excavation and obstructions are to be properly shielded (signed, barricaded, lit, etc.).
5. The Owner shall be responsible for all accidents or claims arising due to this installation and shall indemnify and save harmless the City of Port Coquitlam, its officers, employees, and contractors from any claim, action, or proceeding resulting from the construction or use of this ditch crossing, other than those arising from the negligence or other fault of the City, its officers, employees, or contractors.
6. The surrounding area is to be restored to a condition equal to or better than its condition prior to excavation.
7. The owner is responsible for structural adequacy of bridge.
8. The owner is to maintain the ditch under bridge, to ensure there is no obstruction to the free flow of water during the life of this installation.

I have read the above conditions, and if permission is granted for this proposed installation, agree to abide by them.

If required, I attach sealed design drawings 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: \_\_\_\_\_ )

Date: \_\_\_\_\_ )

Address: \_\_\_\_\_ )

Telephone: \_\_\_\_\_ )

C/S

**HIGHWAY AND PEDESTRIAN DITCH CROSSINGS BYLAW, 1995, NO. 2989**

**SCHEDULE "B"**

**DITCH CROSSING PERMIT**

To:

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Legal Description)

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

\_\_\_\_\_

This permit is issued subject to compliance with "Highway Ditch Crossings Bylaw, 1995, No. 2989", and may be revoked at any time if any part of the Bylaw is not complied with.

Installation to be completed on or before:

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_

SPECIAL NOTES (if any):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Engineer (or designate)

INSPECTION REPORT:

Date Ditch Cleaned: \_\_\_\_\_

Date Completion of Base: \_\_\_\_\_

Date Final Completion: \_\_\_\_\_

Inspector: \_\_\_\_\_

# HIGHWAY AND PEDESTRIAN DITCH CROSSINGS BYLAW, 1995, NO. 2989

## SCHEDULE "C"

### *PEDESTRIAN CROSSING POLICY*

1. Definition:

**"Ditch"** means a channel of a natural stream, creek or watercourse;

**"Ditch Crossing"** means any bridge, culvert, or other construction spanning a highway ditch;

**"Pedestrian"** means a person afoot or an invalid or child in a wheel chair or carriage; and

**"Pedestrian Crossing"** means a ditch crossing that is less than 1.8 metres in width and less than 4.0 metres in length, located within a right of way or highway in the possession and control of the City to be used only by pedestrians.

2. No person shall construct or place any pedestrian crossing, except as authorized by this Policy.

3. No person shall place any obstruction, impediment, fill, or other materials in a ditch, except as authorized by this Policy.

4. Every person who proposes to construct a pedestrian crossing shall:

- a) apply for and obtain a permit to construct a pedestrian crossing from the City Engineer on the form set out in Schedule "D" of the "Highway and Pedestrian Ditch Crossings Bylaw, 1995, No. 2989",
- b) pay a permit fee of \$25.00 and an inspection fee of \$50.00, both amounts shall be payable prior to issuance of the permit, and
- c) post a refundable restoration security cash deposit or irrevocable letter of credit in the amount of \$2,500.00 or 115 percent of the value of the proposed work, whatever is greater, to secure the proper completion of the authorized work and the cleaning and restoration of the highway and any City property adjacent to the pedestrian crossing.

5. Every application for a permit shall be accompanied by three copies of a plan drawn to scale, showing:

- a) the boundaries and address of the parcel to be served by the crossing,
- b) the location, width, and depth, of the ditch, and
- c) the location, materials, and dimensions, of the proposed pedestrian ditch crossing.

6. The City Engineer shall examine the application and if satisfied that the proposed construction complies with this Policy and will not interfere with the municipal drainage system, shall issue a permit in the form set out as Schedule “E” of the “Highway and Pedestrian Ditch Crossings Bylaw, 1995, No. 2989”.
7. A handrail shall be installed on both sides of the pedestrian crossing if the depth of the ditch is greater than 1.5 metres.
8. Every permit issued under this Policy shall be valid for a period of six months from its date of issuance and all construction authorized by the permit shall be completed within that period.
9. No pedestrian crossing shall impede the flow of water in a ditch.
10. Every pedestrian crossing shall be maintained and repaired by the owner of the parcel served by the pedestrian crossing.

**HIGHWAY AND PEDESTRIAN DITCH CROSSINGS BYLAW, 1995, NO. 2989**

**SCHEDULE "D"**

***APPLICATION FOR PEDESTRIAN DITCH CROSSING PERMIT***

To The City of Port Coquitlam:

I,

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*(the Owner)*

being the registered owner of:

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*(legal description)*

hereby make application for permission to install a crossing over a City ditch for the purpose of:

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I understand that, if this application is approved, I must comply with the following requirements:

1. Clean existing ditch sides and bottom and provide a solid footing for crossing foundation.
2. Keep the crossing clear of all service connections (water, gas, etc.). The Owner is to be responsible for relocation of services if necessary.
3. The end of the crossing is to be located no closer than 1.5 metres to any adjacent property line and 3.0 metres to any adjacent bridge or culvert.
4. Excavation and obstructions are to be properly shielded (signed, barricaded, lit, etc.).
5. The Owner shall be responsible for all accidents or claims arising due to this installation and shall indemnify and save harmless the City of Port Coquitlam, its officers, employees, and contractors from any claim, action, or proceeding resulting from the construction or use of this ditch crossing, other than those arising from the negligence or other fault of the City, its officers, employees, or contractors.
6. The surrounding area is to be restored to a condition equal to or better than its condition prior to excavation.
7. The owner is responsible for structural adequacy of bridge.
8. The owner is to maintain the ditch under bridge, to ensure there is no obstruction to the free flow of water during the life of this installation.

I have read the above conditions, and if permission is granted for this proposed installation, agree to abide by them.

If required, I attach sealed design drawings 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: \_\_\_\_\_ )

Date: \_\_\_\_\_ )

Address: \_\_\_\_\_ )

Telephone: \_\_\_\_\_ )

C/S

**HIGHWAY AND PEDESTRIAN DITCH CROSSINGS BYLAW, 1995, NO. 2989**

**SCHEDULE "E"**

***PEDESTRIAN DITCH CROSSING PERMIT***

To:

\_\_\_\_\_

*(Owner)*

\_\_\_\_\_

*(Address)*

\_\_\_\_\_

*(Legal Description)*

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

\_\_\_\_\_

This permit is issued subject to compliance with "Highway and Pedestrian Ditch Crossings Bylaw, 1995, No. 2989", and may be revoked at any time if any part of the Bylaw is not complied with.

Installation to be completed on or before:

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_ .

*SPECIAL NOTES* (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**City Engineer** (or designate)

**INSPECTION REPORT:**

Date Ditch Cleaned: \_\_\_\_\_

Date Completion of Base: \_\_\_\_\_

Date Final Completion \_\_\_\_\_

Inspector:  
\_\_\_\_\_