

FOR OFFICE USE ONLY: DATE:

PERMIT #:

### APPLICATION FOR HIGHWAY ENCROACHMENT PERMIT

The [Port Coquitlam Highway Use Bylaw 2018, No. 4033](#), wishes to ensure the safe and orderly use of highways within the boundaries of the City. As per section 124 of the *Motor Vehicle Act* and section 36 of the *Community Charter*, the City of Port Coquitlam is authorized to regulate traffic and use of the highways.

A Highway Encroachment Permit is needed for the use of a highway for private uses, including sidewalk cafes, newspaper boxes, temporary storage containers, construction trailers, and street furniture for up to 5 years; and other such forms of permits as determined by the Engineer.

For more information, visit [www.portcoquitlam.ca/business](http://www.portcoquitlam.ca/business).

#### TO BE COMPLETED BY APPLICANT

*I/ We hereby make application for a Highway Encroachment Permit. In consideration of the acceptance of my application, I/We hereby agree as follows:*

1. **TO WAIVE ANY AND ALL CLAIMS** that I/we have or may in the future have against the City of Port Coquitlam and its elected officials, directors, employees, officers, agents, representatives, contractors, successors, assigns and volunteers (collectively, the "CITY"), and **TO RELEASE THE CITY** from any and all liability for any loss, damage, expense or injury including death that I/we may suffer arising out of a Permit, if issued, whether foreseen or unforeseen, **DUE TO ANY CAUSE WHATSOEVER, INCLUDING NEGLIGENCE, BREACH OF CONTRACT, OR BREACH OF ANY STATUTORY OR OTHER DUTY OF CARE, INCLUDING ANY DUTY OF CARE OWED UNDER THE OCCUPIERS LIABILITY ACT ON THE PART OF THE CITY. I/WE UNDERSTAND THAT NEGLIGENCE INCLUDES THE FAILURE ON PART OF THE CITY TO TAKE REASONABLE STEPS TO SAFEGUARD OR PROTECT ME/US FROM THE RISKS, DANGERS AND HAZARDS REFERRED TO ABOVE;**

2. **TO HOLD HARMLESS AND INDEMNIFY THE CITY** against all claims, liabilities, judgments, costs (including legal fees on a solicitor/client basis), and expenses of whatever kind, which may in any way accrue against the City in consequence of, and incidental to, the granting of this Permit, if issued; and

3. *This Release and Indemnity survives the expiration of the Permit, if issued, and shall be effective and binding upon my heirs, next of kin, executors, administrators, assigns and representatives, in the event of my death or incapacity.*

Applicant Name: \_\_\_\_\_ Application Date: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

#### SITE INFORMATION

Civic Address(es) of Encroachment Site: \_\_\_\_\_

Partial Legal Description: Lot # \_\_\_\_\_ Plan # \_\_\_\_\_

Describe the work to be done: \_\_\_\_\_

Dates from: \_\_\_\_\_ To: \_\_\_\_\_ Or Duration: \_\_\_\_\_ months

## ENCROACHMENT PURPOSE

Construction Related	Other
<input type="checkbox"/> Construction Trailer/Garbage Bin <input type="checkbox"/> Construction Work/Excavation <input type="checkbox"/> Crane <input type="checkbox"/> ESC Equipment <input type="checkbox"/> Soil Anchors <input type="checkbox"/> Temporary Storage Containers	<input type="checkbox"/> Aerial <input type="checkbox"/> Awning/Canopy/Balconies <input type="checkbox"/> Newspaper Box <input type="checkbox"/> Patio Table(s) and Chair(s) <input type="checkbox"/> Sign <input type="checkbox"/> Structure (building, retaining wall, fencing etc.) <input type="checkbox"/> Other: _____

## APPLICATION REQUIREMENTS

- Completed Application form
- Application Fee [Fees and Charges Bylaw Schedule B](#)
- Scaled drawing(s) illustrating the property lines and encroachment area

*Note: For excavation, the drawing must show top and bottom of cuts in plan and cross-sectional view; support to property encroaching pavement, utilities, (City & private) and access point. Submit a detailed methodology of working and supporting ground to ensure stability during construction & after backfill. All documents are to be stamped and certified by a Professional Engineer.*

The application will be reviewed and potential impact on the City’s highway(s) and boulevard(s) will be determined. The City will provide the applicant with an assessment of the fees, deposits, insurance requirements and an agreement to sign. A Highway Use Permit including the associated fees and security deposit is required before an encroachment agreement is issued.

## APPLICANT ACKNOWLEDGEMENT

*I declare that the above and attached information is correct and that I am aware of the terms and conditions of the [Highway Use Bylaw, 2018, No. 4033](#), and will abide by the regulations and requirements imposed by the said bylaw and any permit issued to me in connection with the proposed highway use operation.*

*I have fulfilled the complete application requirements, and agree to pay any additional costs incurred by the City for services in processing the application.*

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Note:** Personal information entered on this form is collected under the authority of the Local Government Act and will only be used for Encroachment Permit purposes. Records and information collected as part of the Encroachment Application process is a public record and is subject to the Freedom of Information and Protection of Privacy Act (FOIPPA). If you have any questions or concerns about how your information will be used, contact the Corporate Office at 604.927.5212 or [corporateoffice@portcoquitlam.ca](mailto:corporateoffice@portcoquitlam.ca)

## Encroachment Procedures

The application will be reviewed and potential impact on the City's highways and boulevards will be determined. Consideration will only be given to encroachments that do not pose potential health and safety hazards and there is not physical area remaining on private property. Sales trailers are not permitted on the City's highways and boulevards. Upon approval from the Director of Engineering and Public Works or designate, the applicant is to enter into an authorizing agreement with the City in accordance with the Highway Use Bylaw, 2018, No. 4033.

### ANNUAL FEE(s):

1. For excavation work, no annual fee is required.
2. For the placement of a construction trailer/garbage bin, etc., the fee is \$250.00 per month (pro-rated).
3. For use of City land, the fee will be based on the per square foot value of the Land(s), as follows:
  - a. The per square foot value of the Land(s) will be calculated based on the square footage and the annual assessment for the Land(s), as determined in the most recent assessment pursuant to the BC Assessment Act.
  - b. The per square foot value of the Land(s) calculated in (a) will then be multiplied by the square footage of the encroachment area.
  - c. The annual fee will be the amount equal to 5% of the amount calculated in (b), provided that the minimum annual in case shall be \$100.00

### DEPOSIT:

The Licensee shall deposit as security, the amount sufficient to repair and maintain the encroachment area, as approved by the Director of Engineering & Public Works or designate.

For soil anchors, the deposit is calculated based typically on \$1,500 per anchor.

### INSURANCE:

The Licensee shall maintain at its' sole expense comprehensive general liability insurance of no less than \$5,000,000 per occurrence and shall name the City as an additional insured as outlined in the Encroachment Agreement. The City certificate of insurance (COI) template shall be used.

### OTHER CITY POSSIBLE REQUIREMENTS MAY INCLUDE:

- Video utilities before and after excavation work
- Temporary sidewalk
- Other: \_\_\_\_\_

### Additionally:

1. The Encroachment area must be kept in a clean and graffiti-free state, any accumulation of filth, mildew, dust, dirt or graffiti is to be removed promptly within 72 hours or within a time agreed to with the City.
2. Confirm location of existing utilities and ensure a minimum 2.0 m separation is maintained between existing utilities and excavation.
3. All anchor material within 3.0 m of finished grade MUST be removed. Any anchor material below 3.0m of finish grade may be left in the ground and the security is completely refunded provided that:
  - a. The anchor is not within a radius of 2.0m from the outside edge of ANY existing utility (this may include Metro Vancouver, City of Port Coquitlam, Hydro, Tel-Com, gas) and;
  - b. The anchor is not above ANY existing utility (this may include Metro Vancouver, City of Port Coquitlam, Hydro Tel-Com, gas). "Above" is defined as a vertical line drawn at a 1.0m horizontal distance from the outside edge of any existing utility.
4. Any remaining shotcrete within the City's road allowances and ROW's must be at least 1.5m below finish grade. In addition, the shotcrete must be at least 1.0m away from any utilities (either existing or proposed connections, etc.) and cannot be above any utilities (either existing or proposed)
5. Removal of encroachment to be witnessed by a City of Port Coquitlam inspector and work to be certified by a professional engineer as determined by the Director of Engineering and Public Works or designate.
6. All restoration work shall be according to the City's latest subdivision servicing bylaw. Certification by a professional engineer as directed by the Director of Engineering and Public Works or designate.