

## CITY OF PORT ALBERNI

### BYLAW NO. 4268

#### A Bylaw To Regulate Access To Land Adjacent To Highways

**WHEREAS** Section 579(1)(d) of the Municipal Act provides that the Council may by Bylaw regulate access to and from a highway for adjacent land including the location and extent of access.

**NOW THEREFORE THE COUNCIL OF THE CITY OF PORT ALBERNI IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:-**

#### Title

1. This Bylaw may be known and cited for all purposes as the "Driveway Access Bylaw".

#### Interpretation

2. In this Bylaw:
  - (a) **"City Engineer"** means the person appointed as such by City Council or his authorized representative.
  - (b) **"Council"** means the Council of the City of Port Alberni.
  - (c) **"Vehicle"** means any device in, on or by which a person or thing is or may be transported or drawn on a highway, except a device designated to be moved by human power and shall include any earth moving equipment whether or not licenced to travel upon a highway.
  - (d) **"Curb Crossing"** means a section of non-mountable curbing which has been lowered to allow vehicle access across the curb.
  - (e) **"Sidewalk Crossing"** means a section of sidewalk which has been lowered to allow vehicle access across the sidewalk and which has been suitably constructed to bear vehicle weight.
  - (f) **"Mountable Curb"** means curbing installed with a sloping face specifically intended to allow the crossing of vehicles at any point on its length.
  - (g) **"Driveway"** means a portion of road allowance outside the curb lines or gravel shoulder which has been improved by gravel surfacing or paving to allow vehicle access from the road surface to a lot.
  - (h) **"Highway"** means a dedicated City street, road or laneway.

### **Access to Land to be Via Curb or Sidewalk Crossing**

3. No person shall drive a vehicle across a non-mountable sidewalk or curb in order to gain access to adjacent land except where the City has constructed a curb or sidewalk crossing, unless a permit has been issued by the City Engineer and the sidewalk or curb is properly protected from damage.

### **Application for Curb or Sidewalk Crossing Where None Exists**

4. Where a non-mountable curb and/or sidewalk separates land from a highway and no curb or sidewalk crossing exists to serve such land, or an owner wishes to replace an existing curb or sidewalk crossing an applicant may apply to the City Engineer for a curb or sidewalk crossing.

### **Fees for Curb or Sidewalk Crossing**

5. The fee to be paid to the City by a landowner for a curb or sidewalk crossing installation, shall be that fee prescribed from time to time under the Bylaw entitled "Fees and Charges Bylaw".

### **Application for Driveway Location Crossing a Mountable Curb**

6. Where a mountable curb or mountable curb and sidewalk separates land from a highway, the owner may install a driveway at a location approved by the City Engineer. No fee shall be required for the review and approval of the driveway location, but all costs associated with installation of the driveway access shall be borne by the owner.

### **Application for a Driveway Access where no Curb or Sidewalk Exists**

7. Where no curb or sidewalk exists, the owner may install a driveway access at a location approved by the City Engineer. Where installation of a culvert is required to facilitate the driveway installation, the size, type and elevation of the culvert pipe to be installed shall be approved by the City Engineer. No fee shall be required for the review and approval of the driveway location, but all costs associated with installation of the driveway access shall be borne by the owner.

### **Refusal of a Curb or Sidewalk Crossing**

8. Each lot is permitted a driveway access location. However, the City Engineer may refuse an application for a driveway access at a specific location. Refusal of a driveway access location may be based on a number of criteria, including applications where:
  - 8.1 The proposed driveway access is less than 10 m from an adjacent intersection.
  - 8.2 A driveway access at the requested location would create a traffic hazard due to high traffic volumes or disrupt traffic patterns required by a traffic control device.
  - 8.3 Topography or sitelines at the requested driveway location would create a traffic hazard.
  - 8.4 The lot has existing adequate driveway access(es) at alternate locations.
  - 8.5 The required grade would be excessive, and not in conformance with the Engineering Standards for driveway grades.
  - 8.6 The requested driveway width is not appropriate to the lot zoning and not in conformance with the Engineering Standards for driveway widths.

### **Applicant May Appeal Refusal of a Curb or Sidewalk Crossing Application**

9. A decision by the City Engineer to refuse an application for a curb or sidewalk crossing may be appealed to Council.

### **Penalty Provision**

10. Every person who contravenes any provision of this Bylaw commits an offense and shall be liable on summary conviction to a fine of not less than TWO HUNDRED (\$200.00) DOLLARS and not more than TWO THOUSAND (\$2,000.00) DOLLARS and the cost of prosecution.

**Repeal**

11. "Driveway Access and Utility Connection Bylaw" No. 4138 is hereby repealed.


READ A FIRST TIME THIS 22ND DAY OF APRIL, 1996.

READ A SECOND TIME THIS 22ND DAY OF APRIL, 1996.

READ A THIRD TIME THIS 22ND DAY OF APRIL, 1996.

RECONSIDERED AND FINALLY ADOPTED BY THE MUNICIPAL COUNCIL  
THIS 13TH DAY OF MAY, 1996.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk