

THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 2507

A Bylaw to Regulate the Use of Highways by Utilities

WHEREAS Division (1) of Part 14 of the Municipal Act R.S.B.C. 1979, c. 290, empowers Council to regulate the use of highways by public utilities;

AND WHEREAS Division (2) of Part 13 of the Municipal Act empowers Council to impose terms and conditions on excavations in, and encumbrances of, municipal highways;

NOW THEREFORE the Council of the Corporation of the City of Port Coquitlam in open meeting assembled enacts as follows:

DEFINITIONS

1. In this bylaw:

"Highway" means a public highway in which the right of possession is vested in the City of Port Coquitlam pursuant to Section 571 of the Municipal Act;

"Public Services" means any water, sewer, drainage or other service facilities owned or operated by the City;

"Utility" means a gas, electric light, telephone, telegraph, power, pipeline, water, motor bus, electric trolley bus, radio or telephone broadcasting or closed circuit television company;

"Works" means poles, towers, structures, wires, pipes, pipelines, conduits, tunnels and related facilities and equipment used in the delivery of utility services and owned, controlled, installed or shared by a utility.

USE OF HIGHWAYS BY UTILITIES

2. No utility shall use a highway for its works except in compliance with this bylaw.
3. Subject to this bylaw and to any applicable franchise, statute or regulation, a utility may locate works on, in, over, under or along a highway.

PERMISSION TO INSTALL WORKS

4. No person shall place or replace any works in a highway unless a permit for such placement or replacement has been issued by the City Engineer. A permit shall be issued by the City Engineer upon compliance with this bylaw.
5. The City Engineer shall not be obligated to issue a permit for the use of a highway by a utility in any case where placement of the proposed works would:
 - (a) create a danger to persons or property;
 - (b) interfere with the use of a highway by the public, the City or other governments or utilities; or
 - (c) adversely affect buildings, structures or land adjoining the highway.
6. Prior to placing or replacing any works, a utility shall file with the City Engineer detailed plans and specifications showing:
 - (a) the proposed locations, elevations, profiles, dimensions, depth and height of all components of the proposed works;
 - (b) all affected highways, their improvements, boundaries and dimensions;
 - (c) all existing pavement, curbs, ditches, retaining walls, improvements, trees and landscaping within the affected highway;
 - (d) all existing public services which may be affected;
 - (e) boundaries and legal descriptions of any private lands affected;
 - (f) the proposed dates of commencement and completion of the proposed work.

CONSTRUCTION OF WORKS

7. In establishing the proposed location of works, the utility shall:
 - (a) use lanes in preference to other highways;
 - (b) where possible, follow the route of existing utility services; and
 - (c) locate service corridors near the boundaries of highways or in such other location as will minimize interference with the use of highways and damage the surface of the highway.

8. Notwithstanding prior approval of any work, a utility shall give written notice to the City Engineer of its intention to break, dig, trench, open up or excavate in or on any highway, not less than seven clear days before the beginning of such work.
9. Notwithstanding Section 8, in cases of repair or maintenance of works which is necessary or prudent due to emergency, or for the urgent safety or preservation of property, no advance notice need be given but notice shall be given as soon as possible during or after performance of such repairs or maintenance.
10. A utility shall cause as little damage as possible in performing works authorized under this bylaw and shall restore without unreasonable delay any highways broken up, trenched, opened up or excavated, to a condition as nearly as possible as existed immediately before the commencement of such works.
11. All works undertaken by a utility under this bylaw shall conform to the construction specifications set forth in Schedule "D" of the "Subdivision Servicing Bylaw, 1987, No. 2241."
12. A utility shall cause a minimum of obstruction or inconvenience to the public during the progress of any works.
13. A utility shall place and maintain such warning signs, barricades, lights or flares at or near the site of any work in progress as necessary to give reasonable warning and protection to members of the public.
14. Except as expressly authorized by the City Engineer, works shall be installed in such a manner so as not to interfere with an existing or authorized public services located in any highway.

PLANS

15. A utility shall provide the City with scale "as built" plans and profiles of the works within 30 days of the completion of the works or of any extension to the works.

FRANCHISES

16. The terms of any franchise agreement entered by the City under Part 15 of the Municipal Act shall prevail over the terms of this bylaw.

