

BYLAW 1077

A bylaw relating to contractor use of the City "Complex" Snow Dump Facility.

WHEREAS it is deemed expedient and in the public interest to make provisions for regulating the rates, conditions and terms under or upon which contractor's may deposit snow at the City "Complex" Snow Dump Facility.

NOW THEREFORE the Council of the City of Castlegar, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be known and cited as the "Complex Snow Dump Use Bylaw No. 1077".

Definitions

2. In this Bylaw, unless the context otherwise requires:
 - a. "Annual User Fee" shall refer to the fee levied to the contractor by the City, annually, before the beginning of each winter season.
 - b. "City" shall mean the City of Castlegar.
 - c. "Contractor" shall mean any company or business that may haul snow to the site.
 - d. "Director" shall mean the person appointed to the position of Director of Transportation & Civic Works by the Council of the City, and any person delegated to assist the Director in carrying out duties under this bylaw.
 - e. "Maintenance/Maintain" shall refer to pushing back piles of snow deposited by the contractor while ensuring the site is left with clear access for Municipal vehicles and other contractors at all times.
 - f. "Maintenance Charges" shall refer to additional charges levied against the contractor to rectify insufficient or substandard maintenance of the site required to be carried out as a result of use of the site by the contractor.
 - g. "Permission Revoked" shall refer to a discontinuance of permission to use the facility due to insufficient maintenance of the site or use without proof of payment of the annual user fee.
 - h. "Permission Reinstated" shall refer to a contractor's renewed permission to use the facility only after maintenance charges or annual user fees have been paid.

- i. "Snow Dump" shall mean the City owned property behind the Castlegar and District Recreation Centre, situated east of the CP rail line. The property is legally described as Lot A, Plan 6278 (105 Highway 3A), Lot 18, Plan 783 (2025 6th Avenue), and Lot A, Plan 5000 (2305 5th Avenue).
- j. "User Agreement" shall refer to a signed statement of understanding included herein as Schedule A.

General Provisions

3. No contractor shall make use of the Complex Snow Dump without proof of payment of the annual user fee being provided to the Director complete with a signed user agreement.
4. User fees and signed agreements will be due annually before October 31st.
5. Refunds for non-use will not be issued by the City.
6. The City has the right to refuse permission to use the facility to any contractor at any time.
7. Permission for use of the facility will be reviewed and granted on an annual basis.
8. Registered users of the facility must possess a current City of Castlegar business license.

Facility Inspection

9. The Director or designate will conduct random inspections during the course of the winter season to ensure maintenance standards are being adhered to by users of the facility.

Enforcement

10. Maintenance charges comprised of City labour and equipment rates as defined in Schedule "B", and encumbered to rectify inadequate maintenance of the facility, will be divided equally against all registered users of the facility (contractors).

Enactment

11. This Bylaw shall take effect on October 1st, 2008.

READ A FIRST TIME this 7th day of January, 2008.

READ A SECOND TIME this 21st day of January, 2008.

READ A THIRD TIME this 21st day of January, 2008.

ADOPTED this 4th day of February, 2008.

Mayor

Director of Corporate Services

Schedule "A"
To
City Complex Snow Dump Use Bylaw 1077

City of Castlegar Complex Snow Dump Use Bylaw No. 1077

PERMIT TO USE COMPLEX SNOW DUMP

I, _____ being the company owner or owners' designate described as:

Company Name: _____

and situated at # _____ Street/Avenue, in the City of Castlegar, hereby make application under this permit for permission to use of the Complex Snow Dump for the purposes of depositing snow on said City property.

DATED at the City of Castlegar this _____ day of _____, 20____.

Annual Permit Fee = \$500 (Five Hundred Dollars)

(Company Owner or Representative) DATE: _____

(Director of Finance) DATE: _____

(Director of Transportation & Civic Works) DATE: _____

Schedule "A"
To
City Complex Snow Dump Use Bylaw 1077

City of Castlegar Complex Snow Dump Regulations and Rates Bylaw No. 1077

AGREEMENT FOR SNOW DUMP USE

The completion of this agreement does not relieve the applicant, authorized agent or owner from conforming to all requirements or every pertinent bylaw and regulation enforced within the City of Castlegar.

In consideration of the approval of this application, I/we agree

- (a) To duly pay all applicable user rates and maintenance charges for use of the City Complex Snow Dump provided herein as prescribed by the "City of Castlegar Complex Snow Dump Regulations and Rates Bylaw".
- (b) That I/we will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the City of Castlegar from all claims for damages caused by the provision of the usage of the said facility.
- (c) To release and indemnify the City of Castlegar, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgements, losses, damages, costs and expenses of whatever kind I/we or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

DATED at the City of Castlegar this _____ day of _____, 20____.

Company Owner or Representative

(signature)

AUTHORIZATION TO PROCEED WITH USE OF FACILITY:

(Director of Transportation & Civic Works) DATE: _____

Schedule "B"
To
City Complex Snow Dump Use Bylaw 1077

A. SERVICE/MAINTENANCE CHARGES

- | | | |
|----|--|----------------|
| 1. | Annual User Fee | \$500 |
| 2. | Charges for maintenance of facility (hourly rates) | |
| | (a) Loader with Operator | \$125 per hour |
| | (b) Foreman (if required) | \$50 per hour |