



**THE CORPORATION OF DELTA  
BYLAW NO. 7162**

*A Bylaw to to regulate and to require the provision of works and services in respect to the development and subdivision of land within the Corporation of Delta*

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Incorporating amendments pursuant to  
Bylaw No. 7554 and 7725

January 22, 2018

Print January 25, 2018

**THIS CONSOLIDATION IS FOR CONVENIENCE AND REFERENCE PURPOSES ONLY.**

If there is any discrepancy between this consolidation and the original Bylaw and any amending Bylaws, the original Bylaw and any amending bylaws are correct. For confirmation of the exact terms of the Bylaw, you must consult the original Bylaw and all amending bylaws.

THE CORPORATION OF DELTA

BYLAW NO. 7162

The purpose of this Bylaw is to regulate and to require the provision of works and services in respect to the development and subdivision of land within the Corporation of Delta.

Under its statutory powers, including Section 938 of the *Local Government Act*, the Council for the Corporation of Delta enacts the following:

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PART 1 - INTRODUCTION

Title

- 1 This Bylaw may be cited as the "DELTA SUBDIVISION AND DEVELOPMENT STANDARDS BYLAW NO. 7162, 2015".

Definitions

- 2 In this Bylaw:

- "Applicant" means a person who has applied for approval of a subdivision or issuance of a building permit whether as the Owner or as the authorised agent for the Owner.
- "Approving Officer" means the person appointed by Council in accordance with Section 77 of the *Land Title Act*, to exercise the jurisdiction conferred by the *Land Title Act* or the regulations or any other Act or regulations, and includes the Deputy Approving Officer(s).
- "Arterial" means a highway so designated by Delta Highways Bylaw No. 6922, as amended from time to time.
- "Building Permit" has the same meaning as Permit under the *Delta Building/Plumbing Bylaw No. 6060, 2002*.
- "Collector" means a highway so designated by Delta Highways Bylaw No. 6922, as amended from time to time.
- "Complete" or any variation thereof when used with respect to the Works and Services referred to herein means completion to the acceptability of the Director of Engineering.
- "Consulting Engineer" means a Professional Engineer or company engaged by the Applicant for the provision of engineering plans, reports and documents required by the Corporation.
- "Council" means the Council of The Corporation of Delta.
- "Corporation" means The Corporation of Delta.
- "Cul-de-sac" means a highway which is designed to be permanently terminated by the patterns of subdivision or which is terminated by a natural feature and provides at its termination a vehicular turning area.

<b>“Design vehicle”</b>	means a heavy single unit truck for local and collector roads and a WB-20 for arterial, commercial and industrial roads.
<b>“Development”</b>	means the subdivision of land or the construction on land of a building that requires the issuance of a building permit.
<b>“Director of Engineering”</b>	means that person appointed by Council as head of the Department of Engineering, or designate.
<b>“Fee”</b>	means the monetary amount prescribed in Delta’s <i>Consolidated Fees Bylaw No. 7273, 2013</i> .
<b>“Final Approval”</b>	means that approval of a subdivision granted by the Approving Officer when all relevant requirements of this Bylaw, the <i>Local Government Act, Land Title Act, Community Charter</i> and any other relevant Bylaws and legislation have been fulfilled.
<b>“Highway”</b>	has the same meaning as Highway under the <i>Delta Highways Bylaw No. 6922, 2011</i> .
<b>“Highway Use Permit”</b>	means a permit issued under the <i>Delta Highways Bylaw No. 6922, 2011</i> .
<b>“Landscape Architect”</b>	means a member in good standing of the British Columbia Society of Landscape Architects.
<b>“Landscaping”</b>	means work that is generally designed by and constructed under the supervision of a Landscape Architect.
<b>“Lane”</b>	means a narrow highway which provides vehicular access to any abutting parcel, but shall not include a half road.
<b>“Local Road”</b>	means a Highway designed to provide direct access to individual parcels and to provide for circulation of traffic within a subdivision.
<b>“Municipality and Municipal”</b>	means The Corporation of Delta.
<b>“Municipal Drainage System”</b>	means a system owned, operated and maintained by the Municipality for the collection, conveyance and disposal of surface and other waters.

<b>“Municipal Sanitary Sewer System”</b>	means a system owned, operated and maintained by the Municipality for the collection, conveyance and disposal of sanitary discharge.
<b>“Municipal Water System”</b>	means a system owned, operated and maintained by the Municipality for the distribution of potable water and water for fire fighting services.
<b>“Official Community Plan”</b>	means <i>The Corporation of Delta Official Community Plan Bylaw No. 3950, 1985.</i>
<b>“Owner”</b>	means a person registered in the records of the Land Title Office as the Owner of the land proposed to be developed or subdivided.
<b>“Parcel”</b>	means any lot, block or other area in which land is held or into which land is subdivided but does not include a Local Road or portion thereof.
<b>“Preliminary Approval”</b>	means approval of a subdivision application issued under Part 3 of this Bylaw.
<b>“Professional Engineer”</b>	means a person who is registered or duly licenced as such, under the provisions of the <i>Engineers and Geoscientists Act</i> of the Province of British Columbia.
<b>“Public Facility”</b>	means the use of land, buildings or structures by the Municipality to provide services directly or indirectly to the public.
<b>“Public Utility”</b>	means any utility company or utility service provider having facilities installed in a Highway or Right-of-way for the purpose of providing a service and shall include municipal water distribution, sewage and drainage collection, street lighting, electrical power distribution, telephone, cable television, telecommunications and gas distribution systems.
<b>“Right-of-way”</b>	means land or interest in land, including a statutory right-of-way under Section 218 of the <i>Land Title Act</i> , acquired for the purpose of: <ul style="list-style-type: none"> <li>a) Public rights of passage with or without vehicles;</li> <li>b) Erecting and maintaining any pole-line;</li> <li>c) Laying, placing, and maintaining drains, ditches, pipes, transmission lines, or wires for the conveyance, transmission, or transportation of water, electric power, forest</li> </ul>

- products, oil, or gas, or both oil and gas, or solids as defined in the *Pipeline Act*;
- d) The transmission or disposal of sanitary sewage, storm water or drainage; or
- e) The operation and maintenance of any other undertakings of the Corporation or any third party utility.

“Security” means cash, a bank draft, certified cheque or an Irrevocable Letter of Credit in a form satisfactory to the Corporation to ensure completion of works and services required by this Bylaw.

“Subdivision” means a subdivision as defined in the *Land Title Act*, or a subdivision under the *Strata Property Act*.

“Surveyor” means a land surveyor currently licenced and registered in the Province of British Columbia.

“Walkway” means a narrow Highway or statutory right-of-way that is primarily intended for pedestrian access; it does not include a sidewalk adjacent to a Highway.

“Works and Services” means any service, facility, works or utility which is required by this Bylaw and without restricting the generality of the foregoing includes works and services for: the supply and distribution of water; collection and disposal of sewage; collection and disposal of drainage water; street lighting; access roadways, curbs, gutter, sidewalks, street trees and boulevard plantings; and the supply and distribution of electrical power, telephone, telecommunications, gas and cablevision.

3 Unless otherwise defined herein, any word or expression in this Bylaw shall have the meaning assigned to it in the *Local Government Act* or the *Land Title Act* if not defined in the *Local Government Act*.

4 A reference in this Bylaw to a Schedule is a reference to a Schedule that is attached to and incorporated into the terms of this Bylaw.

5 A reference in this Bylaw to the MMCD is a reference to the Master Municipal Specifications and Standard Detail Drawings in Volume II of the Platinum Edition of the Master Municipal Construction Documents (2009) published by the Master Municipal Construction Documents Association, and includes:

- (1) the definitions of such terms used in the Master Municipal Specifications and Standard Detail Drawings as are set out in the General Conditions in Volume II; and

- (2) all documents supplemental to the Master Municipal Specifications, the Standard Detail Drawings and the relevant definitions set out in the General Conditions that are issued from time to time by the Association,

but excludes all references to measurement and payment in the Master Municipal Specifications.

- 6 Where Schedules B and C set out specifications or standard detail drawings that are identified as replacing specifications or drawings contained in the MMCD, the Schedule and not the MMCD shall govern the matter.



## PART 2 - ADMINISTRATION

### General

7 This Bylaw is administered by the Director of Engineering or Approving Officer.

### Exemptions

8 The requirements set out herein do not apply to a Subdivision under the *Strata Property Act*.

9 Except as provided in Section 30, Works and Services are not required under this Bylaw, where each parcel is fully serviced by existing Works and Services that are deemed adequate by the Director of Engineering, for:

- (1) Subdivision of land or construction of buildings for the installation of a Public Facility or Public Utility;
- (2) A Subdivision that alters a common boundary between two parcels;
- (3) The issuance of a Building Permit for Single Family Residential;
- (4) The development of land zoned Agricultural (A1) in Delta Zoning Bylaw No. 2750, 1977, or
- (5) The issuance of a Building Permit for tenant improvements to a building on land zoned for commercial or industrial use where the construction value is less than \$1,000,000.

Amend  
BL 7725,  
2018

### Bylaw Provisions Severable

10 The provisions of this Bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any remaining provision of this Bylaw.

## PART 3 - APPLICATION AND APPROVAL

### General Provisions

- 11 No land shall be developed within the Municipality unless and until the Subdivision has been approved by the Approving Officer or a Building Permit has been issued by the Corporation.
- 12 Every application for development shall be in the form prescribed from time to time by the Corporation for such purpose.
- 13 The Approving Officer may request further information from an applicant at any time, including satisfactory evidence that provisions of this Bylaw have been complied with.
- 14 The acceptance for review by the Approving Officer of an application for subdivision shall not be construed as either Preliminary Approval or Final Approval.

### Preliminary Approval of Subdivision

- 15 The application for Subdivision shall be submitted in writing by the Applicant and shall:
  - (1) be accompanied by the fees prescribed in Delta's *Consolidated Fees Bylaw No. 7273, 2013*;
  - (2) include the full legal description of every parcel proposed to be subdivided;
  - (3) indicate the proposed method of subdivision and intended use of the subdivided lands;
  - (4) identify any buildings proposed to be retained after the subdivision;
  - (5) include a plan, prepared by a Land Surveyor, showing approximate dimensions of every parcel proposed to be subdivided, approximate dimensions of every new parcel proposed to be created, existing and proposed highways and approximate location of existing buildings, and where required by the Approving Officer, proposed further subdivision of portions of the parent parcels indicating that the configuration and dimensions of proposed remainder parcels do not preclude further subdivision; and
  - (6) contain a statement indicating the intended use of the proposed parcels, the purpose of the proposal including a description of the property, an outline of the existing and proposed uses, the reasons for the request and any benefits to the community.

- 16 The Approving Officer may either reject the application or provide Preliminary Approval, and shall advise the Owner in writing of the Approving Officer's decision, including, if applicable, the reasons for rejecting the application.
- 17 Preliminary Approval shall be effective for a period of one hundred and eighty (180) days.
- 18 Upon request by the Applicant, the Approving Officer may grant an extension or extensions of the period specified in Section 17 where, in the Approving Officer's opinion, there has been unavoidable delay or other special circumstances that would justify such extension of time.
- 19 Preliminary Approval of a proposed subdivision shall not be construed as Final Approval and is revocable by the Approving Officer at any time.

### **Final Approval of Subdivision**

- 20 An application for Final Approval shall be submitted in writing by the Applicant and shall include:
  - (1) a legal plan prepared by a Surveyor showing clearly the proposed method of subdivision, exact location and dimensions of existing and proposed property lines, any building or structure to be retained in relation to proposed lines, elevations and grades, existing road centreline with respect to property lines and any easement or right-of-way registered on the property;
  - (2) a site plan showing the location of all existing and proposed buildings and parking layouts, building elevations, trees, details of all proposed signs, and setbacks of adjacent buildings, all of which clearly indicate the scope of the development and land characteristics; and
  - (3) a certificate of non-encroachment prepared by a Surveyor for all buildings to be retained.
- 21 All drawings, sketches and plans submitted in respect to a subdivision application shall comply with the Drawing Submissions Standards set forth in Schedule A.
- 22 Final Approval of a subdivision shall only be effective upon the signing of the subdivision plan by the Approving Officer, thereby indicating that all requirements of this Bylaw, the *Land Title Act*, *Local Government Act* and all other conditions required by the Approving Officer in respect of the subdivision, including all conditions of Preliminary Approval, have been fulfilled to the satisfaction of the Approving Officer.

## PART 4 - WORKS AND SERVICING REQUIREMENTS

### General

- 23 An Owner is required, as a condition of development approval, to provide Works and Services in accordance with the requirements and standards prescribed in this Bylaw including without limitation Schedule A - Delta Design Criteria, Schedule B - Delta Supplementary Specifications, Schedule C - Delta Supplementary Drawings, Schedule D - Decorative Road Lighting, Cycling Network and Third Party Underground Utility Maps and the MMCD.
- 24 All Works and Services must be constructed and installed to the standards established in this Bylaw before issuance of Final Approval or a Building Permit.
- 25 As an exception to Section 24, approval may be given or a Building Permit may be issued if the Owner:
- (1) deposits, with the Corporation, Security in the amount satisfactory to the Approving Officer or Director of Engineering, in the case of a building permit, having regard to the cost of installing and paying for all Works and Services required under this Bylaw; and
  - (2) enters into and pays a fee prescribed in Delta's *Consolidated Fees Bylaw No. 7273, 2013* for the preparation of an agreement with the Corporation to construct and install the required works and services by a specified date or forfeit to the Corporation the amount secured in Section 25(1).
- 26 As an exception to Section 24, the Approving Officer may require a Developer to pay to the Corporation, in lieu of constructing or altering Works and Services required by this Bylaw, cash in the amount determined by the Director of Engineering to be the cost of designing and constructing or altering the Works and Services as of the time of approval of the subdivision or issuance of the building permit including any land acquisition costs, if the Director of Engineering determines on the basis of sound civil engineering practice or cost considerations that the works should be constructed or altered at a later time or concurrently with the construction or alteration of Works and Services serving adjacent or nearby parcels of land, and in such cases the Corporation shall deposit the funds into a reserve fund established for the construction or alteration of the Works and Services.
- (1) The Consulting Engineer may be required to prepare and submit an estimated cost of Works and Services to assist the Approving Officer in their evaluation.
  - (2) At the discretion of the Approving Officer, for two lots subdivisions the cash-in-lieu amount may be calculated using a fixed cost per metre of frontage, as prescribed in Delta's *Consolidated Fees Bylaw No. 7273, 2013*.

- 27 Unless otherwise agreed to in writing by the Director of Engineering, all Works and Services required to be provided by the Owner under this Bylaw on an existing Highway, public right of way or other property owned by the Corporation, shall be constructed by the Corporation at the expense of the Owner of the land being subdivided or developed.

#### Excess or Extended Services

- 28 The Approving Officer may require an Owner to construct excess or extended services as defined in Section 939 of the *Local Government Act*, and Council delegates to the Approving Officer the authority to determine whether the cost of such services would be excessive if borne by the Corporation, and to make the determinations mentioned in Sections 939(5)(a) and (b) of the *Local Government Act* where the Owner is required to bear the cost.
- 29 Where the Corporation requires an Owner to pay the cost of providing excess or extended services, the Corporation shall include in any charge to be imposed on a subsequent owner connecting to or using the excess or extended services, interest on the costs of providing the excess or extended services calculated at the current Municipal Finance Authority of British Columbia rate.

#### Replacement of Services

Amend BL  
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2018

- 30 Notwithstanding Section 9 (3) and (4), if a parcel being created by subdivision is occupied by a building which will continue to be occupied, or a building permit is issued for a construction value greater than \$150,000, and the parcel is serviced by existing water, sanitary sewer and stormwater service connections over twenty-five years old, then the Owner shall install new services from the property line to the utility mains according to the standards of this Bylaw, with all works within a highway to be constructed by the City, at the sole cost of the Owner.

#### Third Party Utilities

- 31 The Owner shall arrange for third party utility companies to perform all work required to complete their portion of the Works including the removal or relocation of existing infrastructure.
- 32 The Owner shall install all electrical and telecommunications underground wiring within and immediately adjacent to the proposed subdivision within the highway along the frontage and flankage, if any, of all lots of the proposed subdivision or in the case of a building permit application the service shall be underground from the highway to the building.

## PART 5 - HIGHWAYS

### Highways

- 33 The Owner is responsible for the costs of constructing or reconstructing any Highway that is required within or to serve directly the lands being developed in accordance with the Works and Services standards established in this Bylaw including, but not limited to, the following:
- (1) road surface;
  - (2) sidewalks;
  - (3) boulevards;
  - (4) street lighting;
  - (5) landscaping all portions of the highway not improved with paved road, curb, gutter and sidewalk;
  - (6) street trees;
  - (7) street name, traffic signals and traffic control signage;
  - (8) driveway crossings; and
  - (9) ducting for electrical and telecommunications underground wiring.
- 34 Where a proposed development includes the creation of a Highway crossing of a railway, the Owner shall provide and pay for the necessary legal authorization from the railway company to create the crossing including all necessary Works and Services prior to Final Approval or the issuance of a building permit.
- 35 Where a proposed development includes the creation of a Highway crossing of a right-of-way or easement held by a Public Utility or any other authority, the Owner shall be required to provide and pay for the necessary legal authorization to create the crossing including all necessary Works and Services prior to Final Approval or the issuance of a building permit.
- 36 Where construction work occurs within a Highway, the Owner shall obtain a Highways Use Permit from the Corporation and pay the required fees and deposits. The Owner must follow conditions set forth in the Highways Use Permit during construction works.

### Half Road Construction

- 37 Where off-site half road construction is required by the Corporation, Works and Services shall be installed toward the opposite side of the road allowance such that servicing of properties opposite the development would not involve trenching the newly constructed half road.

## PART 6 - WATER, SANITARY SEWER AND DRAINAGE WORKS AND SERVICES

### General

- 38 The Owner of any lands to be developed or subdivided shall provide a Municipal water system, sanitary system and drainage system in accordance with the standards prescribed within.
- 39 The cost for new water, sanitary sewer and drainage service connections shall be in accordance with the fees contained in the *Delta Waterworks Rates and Regulation Bylaw No. 5781, 2000*, *Delta Sanitary Sewer Use Regulation and Connection Charge Bylaw No. 5783, 2000*, and *Delta Storm Sewers Regulation and Connection Charge Bylaw No. 5786, 2000*.

### Rights of Way

- 40 In the event that any water, sanitary sewer or drainage service for a development cannot be contained within the prescribed minimum width of the highway, the Owner shall, at the Director of Engineering's discretion, either dedicate such additional width as may be required for that purpose or provide a statutory right-of-way parallel and adjacent to the highway for the purpose of, and of sufficient width to contain and maintain the required service.
- 41 Right-of-way width is solely at the discretion of the Director of Engineering with due regard for pipe size and depth, ease of access, and maintenance operations. Such rights-of-way shall be a minimum of:
- (1) 3.0m wide with an additional minimum 1.0m for each additional service main located within the right-of-way provided that all the service main inverts are 1.5m or less from finished ground; or
  - (2) 5.0m wide with an additional minimum 1.0m for each additional service main located within the right-of-way if any of the service main inverts are greater than 1.5m from finished ground.
- 42 When any service is located within a Right-of-way, the Owner may be required to provide for a constructed road access from a Highway. The access shall be designed and constructed to a standard acceptable to the Director of Engineering.

### Water System

- 43 The Owner of any lands which are proposed to be developed shall provide to each parcel of land, a Municipal Water System, including the standard service connections, in accordance with the standards established in this Bylaw.

- 44 As a condition of the approval of subdivision or the issuance of a building permit, the Owner must provide an extension of or improvement to the Municipal Water System within that portion of the highway immediately adjacent to the lands being subdivided or developed, in accordance with the Works and Services standards established in this Bylaw, where the Director of Engineering determines that the need for the extension or the improvements is directly attributable to the subdivision or development.
- 45 Water distribution systems shall be looped, unless not required by the Director of Engineering.
- 46 With the approval from the Director of Engineering, bare land strata subdivisions may be connected to the Municipal Water System by means of a single service connection that provides water to the individual strata lots through common property.

### Sanitary Sewer System

- 48 The Owner of any lands which are proposed to be developed or subdivided shall provide to each parcel of land, a Municipal Sanitary Sewer System, including the standard service connections, in accordance with the Works and Services standards established in this Bylaw.
- 49 Notwithstanding the above, where a Municipal Sewer System does not exist, the suitability of the land for an onsite sewerage system shall be subject to the approval of the health authority as required by the *Public Health Act* and the regulations approved thereunder. A development or subdivision, where a Municipal Sanitary Sewer System does not exist, shall not be considered without such approval.
- 50 With the approval from the Director of Engineering, bare land strata subdivisions may be connected to the Municipal Sanitary Sewer System by means of a single service connection that provides service to the individual strata lots through common property.

### Drainage System

- 51 The Owner of any lands which are proposed to be developed or subdivided shall provide to each parcel of land within the proposed subdivision, a Municipal Drainage System, including the standard service connection, designed and constructed in accordance with the Works and Services standards established in this Bylaw.
- 52 An open ditch drainage system, designed and constructed to the satisfaction of the Director of Engineering, may be acceptable to the Municipality in areas with Agriculture (A1) zoning under *Delta Zoning Bylaw No. 2750, 1977*.



- 53 Lot grading shall be in accordance with the Works and Services standards established in this Bylaw to ensure proper functioning of the drainage system. No environmentally deleterious materials shall be used for lot grading and building envelopes shall be filled only with material suitable for the intended purpose of the development. Where deposit or removal of soil is required to comply with the accepted Lot Grading Plan, the Owner shall comply with provisions of the *Delta Soil Deposit and Removal Regulation Bylaw No. 7221, 2014*.

**PART 7 - COMPLETION OF WORKS AND SERVICES, ACCEPTANCE OF WORKS AND SERVICES, AND WARRANTY AND MAINTENANCE PERIOD**

**Completion of Works and Services**

- 54 No Works and Services required under this Bylaw and covered by a Works and Services agreement shall be considered complete until a certificate of completion has been issued by the Director of Engineering.

**Warranty and Maintenance Period**

- 55 The Owner shall be solely responsible for the costs of any maintenance and repairs to works and services constructed and installed on the Owner's lands for a period of 12 months from the time the Works and Services deemed substantially complete are accepted by the Director of Engineering.

**Acceptance of Works and Services**

- 56 The Owner shall not be entitled to receive a notice of acceptance for all or any part of Works and Services constructed and installed by the Owner until:
- (1) the Owner has deposited with the Director of Engineering "as constructed" drawings of the Works and Services prepared and sealed by the Consulting Engineer in a digital form acceptable to the Municipality.
  - (2) a certificate of completion for all Works and Services has been issued;
  - (3) the subdivision plan has been given Final Approval by the Approving Officer and filed at the Land Title Office or the building permit for the development has been issued;
  - (4) the Owner has registered in the Land Title Office and has deposited with the Approving Officer a plan or plans of all rights of way required under this Bylaw; and
  - (5) twelve (12) months have elapsed since the certificate of substantial completion was issued.

**Failure to Maintain or Repair**

- 57 If the Owner fails to maintain or repair the Works and Services during the warranty and maintenance period, the Corporation may at the expense of the Owner undertake such maintenance or repairs.

**PART 8 - BYLAW SCHEDULES**

The following is a list of schedules attached and forming a part of this Bylaw:

SCHEDULE A - Delta Design Criteria

SCHEDULE B - Delta Supplementary Specifications

SCHEDULE C - Delta Supplementary Drawings and Maps

**PART 9 - REPEAL**

*Delta Subdivision Bylaw No. 5100, 1994 and Delta Works and Services Bylaw No. 4020, 1986* are repealed.

**PART 10 - ADOPTION**

This Bylaw shall come into force and effect on the date of final adoption.

READ A FIRST time the **11<sup>th</sup>** day of **May, 2015**.

READ A SECOND time the **11<sup>th</sup>** day of **May, 2015**.

READ A THIRD time the **11<sup>th</sup>** day of **May, 2015**.

FINALLY CONSIDERED AND ADOPTED the **25<sup>th</sup>** day of **May, 2015**.

"Lois E. Jackson"

\_\_\_\_\_  
Lois E. Jackson  
Mayor

"Sandra MacFarlane"

\_\_\_\_\_  
Sandra MacFarlane  
Deputy Municipal Clerk