

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 1933

A Bylaw to Regulate Security Deposits for Development Permits and Development Variance Permits Pursuant to Section 925(4) of the Local Government Act.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Duncan in open meeting assembled, enacts as follows:

1. Requirement

As a condition of the issuance of a Development Permit or a Development Variance Permit, the owner/developer shall provide security to the City of Duncan in the amount stated in the permit, to ensure the completion of the landscaping and site work associated with the development. (Site work is defined as fencing, exterior lighting, retaining walls, and sidewalks, as well as other related features and any other site associated items required or stipulated in the permit.)

Once Council has authorized issuance of a Development Permit or Development Variance Permit, the security must be provided prior to the issuance of the permit.

1.2 Type and Value of Security

The security deposit shall be in the form of either a standby irrevocable letter of credit, cash, certified cheque, or other acceptable equivalent, and shall be submitted in a form satisfactory to the City of Duncan.

All security deposits in the form of standby irrevocable letters of credit must contain provisions for renewal and/or extension.

The value of the security deposit shall be equal to 125% of the estimated value of the landscaping and site work. The cost of landscaping and site work shall be determined by an itemized cost estimate of materials and installation. The cost estimate is to be completed by a professional landscape architect, a nurseryperson, or landscape contractor or an equivalent agreed upon by the City of Duncan. The cost estimate must be submitted at the time of application. The owner/developer assumes sole responsibility for undertaking and financing the cost estimate. The City of Duncan reserves the right to reject any cost estimates that it feels are unreasonable.

1.3 Time for Completion

All landscaping and site work must be completed within 6 months of occupancy of the building. In the event that additional time is required to complete the landscaping and/or site work due to unforeseen circumstances, a written request for an extension shall be made to the City of Duncan indicating the reason for the extension and the expected date of completion.

When a security deposit is in the form of a standby irrevocable letter of credit, it shall include provisions for its extension and/or renewal in the event that the landscaping and/or site work cannot be completed before its expiry date. A minimum of 45 days notice in writing, of the need for an extension is required. Alternatively, and upon approval by the City of Duncan, a new standby irrevocable letter of credit with a revised expiry date shall be provided to the City of Duncan in these situations.

1.4 Release of Security Deposit

The security shall be released following completion of all approved landscaping and/or site work as specified in the Development Permit or Development Variance Permit, to the satisfaction of the City of Duncan. 25% of the landscaping cost will be retained for one year to ensure proper maintenance and survival of planted material.

In the event that the landscaping and/or site work is at variance with the approved design and/or not completed to an acceptable standard, and/or not completed within the specified time period, the City of Duncan may use the security deposit for the purpose of entering upon the subject property and completing the approved works, and/or for pursuing any necessary legal or court judgment as required.

1.5 Delegation of Authority

Pursuant to Section 925(4) of the Local Government Act, Council hereby delegates authority to the Building Inspector, City Administrator or City Treasurer to require security and to set the amount of that security, in accordance with the guidelines established in 1.2 of this bylaw.

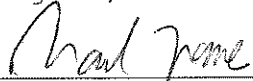
2. This bylaw may be cited as the "Security Deposit Regulations for Development Permits and Development Variance Permits Bylaw No. 1933, 2002".

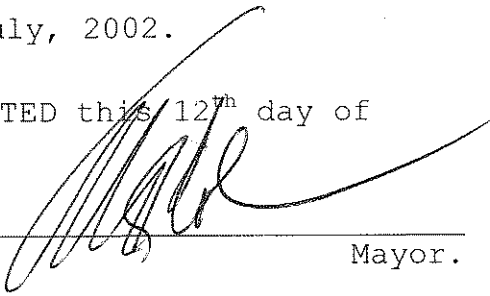
READ THE FIRST TIME this 8<sup>th</sup> day of July, 2002.

READ THE SECOND TIME this 8<sup>th</sup> day of July, 2002.

READ THE THIRD TIME this 8<sup>th</sup> day of July, 2002.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 12<sup>th</sup> day of August, 2002.

  
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Deputy Clerk of the Municipal  
Council of the Corporation of  
The City of Duncan.

  
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Mayor.

I HEREBY CERTIFY that the foregoing is a true copy of Bylaw No. 1933 of the Corporation of the City of Duncan, being the "Security Deposit Regulations for Development Permits and Development Variance Permits Bylaw No. 1933, 2002" as reconsidered, finally passed and adopted by the Municipal Council on the 12<sup>th</sup> day of August, 2002.

Dated at Duncan, BC  
this        day of  
             2002.

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City Clerk.