

**DISTRICT OF LANTZVILLE
BYLAW NO. 66, 2007**

A BYLAW TO REGULATE THE PROVISION, OPERATION AND ADMINISTRATION OF THE DISTRICT OF LANTZVILLE SEWER SERVICE AND TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF FEES AND CHARGES

WHEREAS the Council of the District of Lantzville has adopted "District of Lantzville Sanitary Sewer Collection System – Phase I Local Area Service Bylaw No. 47, 2007";

AND WHEREAS the Council may regulate in relation to a service;

AND WHEREAS the Council may, by bylaw, regulate the design and installation of sewerage works provided by persons other than the District of Lantzville;

AND WHEREAS the Council may require owners of real property to connect their buildings and structures to the appropriate sewer in the manner specified in the bylaw;

AND WHEREAS the Council may, by bylaw, impose fees and charges in relation to the connection to and use of the sewer system;

NOW THEREFORE, the Council of the District of Lantzville in open meeting assembled, enacts as follows:

INTERPRETATION

1.0 Citation

This bylaw may be cited as the "District of Lantzville Sewer Rates and Regulations Bylaw No. 66, 2007".

2.0 Definitions

2.1 In this bylaw, unless the context otherwise requires:

"Applicant" means an owner or his agent making application for a Sewer Connection.

"Building Inspector" means the Chief Building Inspector of the District and includes any person appointed or designated by Council to act on his behalf or to carry out the function of the Building Inspector under this bylaw.

"Building Sewer" means a sewer and all attachments installed, owned and maintained by the Owner connecting a Service Connection at the property line to the plumbing system of a building or structure on the Premises.

"Capable of Connection" means that the Parcel of Land abuts the highway, District right of way or easement, upon or in which there is a Collector Sewer with excess capacity and that the Service Connection will have adequate cover at the property line and drain towards the sewer, allowing the building or structure on the Parcel of Land to be connected to the Service Connection by either a gravity, building sewer, or a pump and force main.

"Collector Sewer" means a sewer used to collect sewage from Premises in the Local Area Service.

"Director of Public Works" means the individual assigned the responsibilities of public works for the District of Lantzville.

"District" means the District of Lantzville.

"Local Area Service" means those properties within the boundaries established by "District of Lantzville Sanitary Sewer Collection System – Phase I Local Area Service Bylaw No. 47, 2007" as well as subsequent amendments.

"Owner" means any person who in respect of real property is the owner or agent in writing for the Owner of any Premises or a Parcel of Land that is capable of connection to the Sewer System.

"Parcel of Land" means any lot, block or other area in the Service Area in which land is held or into which it is subdivided, but does not include a highway.

"Premises" means the Parcel of Land, including buildings and structures that have a Service Connection.

"Regional District" means the Regional District of Nanaimo.

"Sanitary Sewer" means a sewer owned and operated by the District that carries sanitary sewage and permitted industrial waste, and to which storm waters are not intentionally admitted.

"Service Connection" means a pipe, which may include a valve, an inspection chamber or clean-out and all necessary appurtenances connecting a Sewer Connection to a Building Sewer at the property line.

"Sewage" means liquid wastes that contain animal, mineral or vegetable matter originating in a building or through an industrial process.

"Sewer Connection" is a sewer pipe extending from a Sanitary Sewer to the property line of the Premises and includes a Service Connection.

"Sewer Extension" means any installation requiring the construction of a Sanitary Sewer on a highway or District of Lantzville Right of Way.

"Sewer System" means all of the system of sanitary sewers, treatment and disposal facilities owned and operated by either the District or the Regional District for the benefit of the Local Area Service.

SERVICE CONNECTIONS

3.0 Individual Connection

- 3.1 Each parcel of land within the "District of Lantzville Sanitary Sewer Collection System – Phase I Local Area Service Bylaw No. 47, 2007" as identified in Schedule 'A' and subsequent amendments which is capable of connection to the Sewer System shall have one Sewer Connection.
- 3.2 Large parcels of land within the "District of Lantzville Sanitary Sewer Collection System – Phase I Local Area Service Bylaw No. 47, 2007" as identified in Schedule 'A' and subsequent amendments and which are capable of connection to the Sewer System may be approved for more than one connection. Additional connections are subject to approval by the Council and shall not be granted unless the property can meet all the terms and conditions required for a building permit, the policies and objectives of the Official Community Plan and the Regional Growth Strategy in effect from time to time. Property owners will be required to register a covenant on the property restricting the number of connections to those approved. Approval under this section is at the discretion of the Council.

4.0 Application

- 4.1 A person wishing to connect to the Sewer System shall make application to the District in writing in the form of a Building Permit Application in effect from time to time, which application shall be signed by the Owner of the Parcel of Land for which the application is made.
- 4.2 The application shall be accompanied by drawings showing the dimensions of all buildings and sewers and their location in relation to the property line and shall include locations of clean-outs, ground cover over pipe, type of pipe proposed to be used and, where applicable, location, size and depth of any existing septic tank.
- 4.3 Each application for a Sewer Connection shall be completed in all details prior to approval.
- 4.4 No application shall be considered to have been approved by the District until a building permit for the Sewer Connection has been issued by the District.

5.0 Connection Locations

- 5.1 Where possible, a Sewer Connection will be located where requested by the applicant, however if the applicant's preferred location is not practicable due to unsuitable ground conditions or the existence of installed surface improvements or underground utilities, the Director of Public Works may designate the location of the Sewer Connection.

6.0 Mandatory Connection to Sanitary Sewer System

- 6.1 The Director of Public Works may issue a Notice to Connect to the owner of any parcel of land capable of connection which will require the owner to carry out the connection within the time period specified in that notice.

7.0 Delivery of the Notice

- 7.1 A Notice to Connect will be sent by registered mail or may be delivered by personal service to an Owner of a Parcel of Land capable of connection. The Notice will require the Owner to connect or cause to be connected the buildings or structures on the parcel of Land to the Sewer connection within the period specified in the Notice to Connect. The period specified will not be less than two (2) months and not more than six months. The Notice will be deemed to have been received three (3) days after mailing.

8.0 Failure to Comply

- 8.1 If, after the expiration of the time period specified in the Notice to Connect, an Owner has failed or neglected to construct or install a Building Sewer and Service Connection and has failed or neglected to connect his buildings or structures to the Sewer Connection as required, the District, by its employees or contractors, may enter upon the property and cause the connection to be made.
- 8.2 Where a Building Sewer and Service Connection is made under section 8.1, it will be done at the expense of the Owner in default and the expense may be recovered from the Owner under Division 14 – Recovery of Special Fees of the *Community Charter* in the same manner as taxes.

CONDITIONS OF SERVICE

9.0 Responsibility of Owner

- 9.1 A Building Sewer must be maintained by the Owner at his or her sole expense.

10.0 Blockages

- 10.1 Where any Sewer Connection or Service Connection becomes stopped up or otherwise fails to function, the Owner or occupier of the Premises served must first determine the location of the blockage.
- 10.2 The Owner or occupier of the Premises must at his or her own expense unblock any blockage in the Building Sewer.
- 10.3 Where any stoppage or failure is found to exist in a Sewer Connection or Service Connection, the Owner or occupier must immediately notify the Director of Public Works.

- 10.4 All costs incurred by the District in restoring service and unstopping the Sewer Connection or Service Connection must be paid by the Owner or occupier of the Premises upon demand unless the stoppage or failure was caused by the District.
- 10.5 If the costs imposed under section 10.4 remain unpaid on the 31st day of December in the year in which the work is done, the costs will be recovered in accordance with Division 14 – Recovery of Special Fees of the *Community Charter*.

11.0 Abandonment

- 11.1 When any Building Sewer is abandoned, the Owner of the Premises must notify the Director of Public Works and the Owner must effectively block up the Building Sewer at the Service Connection with an approved watertight seal.

12.0 Septic Tanks

- 12.1 Upon connection to the Service Connection an Owner of Premises must decommission, remove or fill any existing septic tank on the Premises in accordance with all applicable regulations.

13.0 Connection to Service Connection

- 13.1 An Owner must install a Sewer Connection prior to installation of the Building Sewer and connection of the Building Sewer to the Service Connection.
- 13.2 Where the Owner installs a Building Sewer prior to installation of the Sewer Connection contrary to section 13.1, the District is not responsible for meeting the elevation of the Building Sewer or connecting the Sanitary Sewer to the Building Sewer.

14.0 Depth

- 14.1 The depth of the Building Sewer will be determined by the Director of Public Works.
- 14.2 An Owner must install the Building Sewer with sufficient depth to provide natural drainage from the lowest floor of any building or structure except where natural drainage is made impractical by the relative elevation of the sewer and the lowest floor of the building or structure or by any other cause.

15.0 Prohibitions

- 15.1 A person must not discharge, or cause or permit to be discharged, into the Sewer System or into any manhole or inspection drain or other part of the Sewer System or into any plumbing fixture connection to the Sewer System, any substance of any kind that:
 - (a) obstructs or tends to obstruct or damage the Sewer System;
 - (b) which causes or tends to cause any nuisance;

- (c) which interferes or tends to interfere in any manner with the proper functioning, maintenance or repair of the Sewer System;
- (d) without limiting the generality of the foregoing, is a prohibited waste set out in "District of Lantzville Sewer Use Regulatory Bylaw No. 49, 2007".

15.2 A person must not:

- (a) damage, destroy, uncover, deface, or otherwise tamper with any part of the Sewer System;
- (b) make any alteration or connection to the Sewer System without obtaining the required permits or written authorization from the Director of Public Works.

15.3 A person must not connect any roof drain or other storm water drains to the Sewer System.

ILLEGAL CONNECTIONS

16.0 Illegal Connections

- 16.1 A person must not connect or allow to be connected, or allow to remain connected to the Sewer System, any Parcel of Land:
- (a) without the required permits or written authorization from the Director of Public Works; or
 - (b) contrary to the provisions of this bylaw.

17.0 Disconnection of Illegal Connections

- 17.1 The Director of Public Works may, on thirty (30) days written notice sent to the Owner by registered mail, order the disconnection, stopping up and closing of a Service Connection at the expense of the Owner for:
- (a) violation of any provision of this bylaw;
 - (b) failure to maintain to the standard of the BC Plumbing Code, the Building Sewer and other plumbing in the Owner's Premises that is connected to the Sewer System.
- 17.2 A notice to an Owner under section 17.1 shall be deemed to have been received three (3) days after mailing.
- 17.3 The Director of Public Works may order the immediate disconnection, stopping up and closing of a Sewer Connection connected to the Sewer System which discharges into the Sewer System contrary to the bylaw.

SEWER RATES AND CHARGES

18.0 Service Connection Fee

- 18.1 An Applicant must pay the Service Connection fee as prescribed in Schedule 'B' of this bylaw at the time of application for a sewer connection.

19.0 User Charge

- 19.1 The Owner or occupier of Premises must pay the user charges in Schedule 'C' to this bylaw for the use of the Sewer System.

ENFORCEMENT

20.0 Right of Entry for Inspection

- 20.1 The Director of Public Works or a Bylaw Enforcement Officer of the District may enter, at all reasonable times, on any property subject to this Bylaw to ascertain whether the regulations of this Bylaw or the direction of the Director of Public Works or District pursuant to this Bylaw are being observed.

21.0 Offence

- 21.1 Any person who does any act or thing or who suffers or permits any act or thing to be done in contravention of this Bylaw commits an offence.
- 21.2 Where this bylaw requires that a person perform any act or do any thing pursuant to this bylaw, and the person fails to take the required action, the matter or thing may be done at the expense of the person in default together with costs and interest at the rate prescribed in Division 14 – Recovery of Special Fees of the *Community Charter* in the same manner as municipal taxes.

22.0 Penalty

- 22.1 Any person who violates any provision of this bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the *Offence Act*.
- 22.2 The penalties imposed under Subsection 22.1 are in addition to and not in substitution for any other penalty or remedy imposed under this bylaw or any other statute, law or regulation.

23.0 Severability

23.1 If any portion of this bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 9th day of October, 2007.

READ A SECOND TIME this 9th day of October, 2007.

READ A THIRD TIME this 9th day of October, 2007.

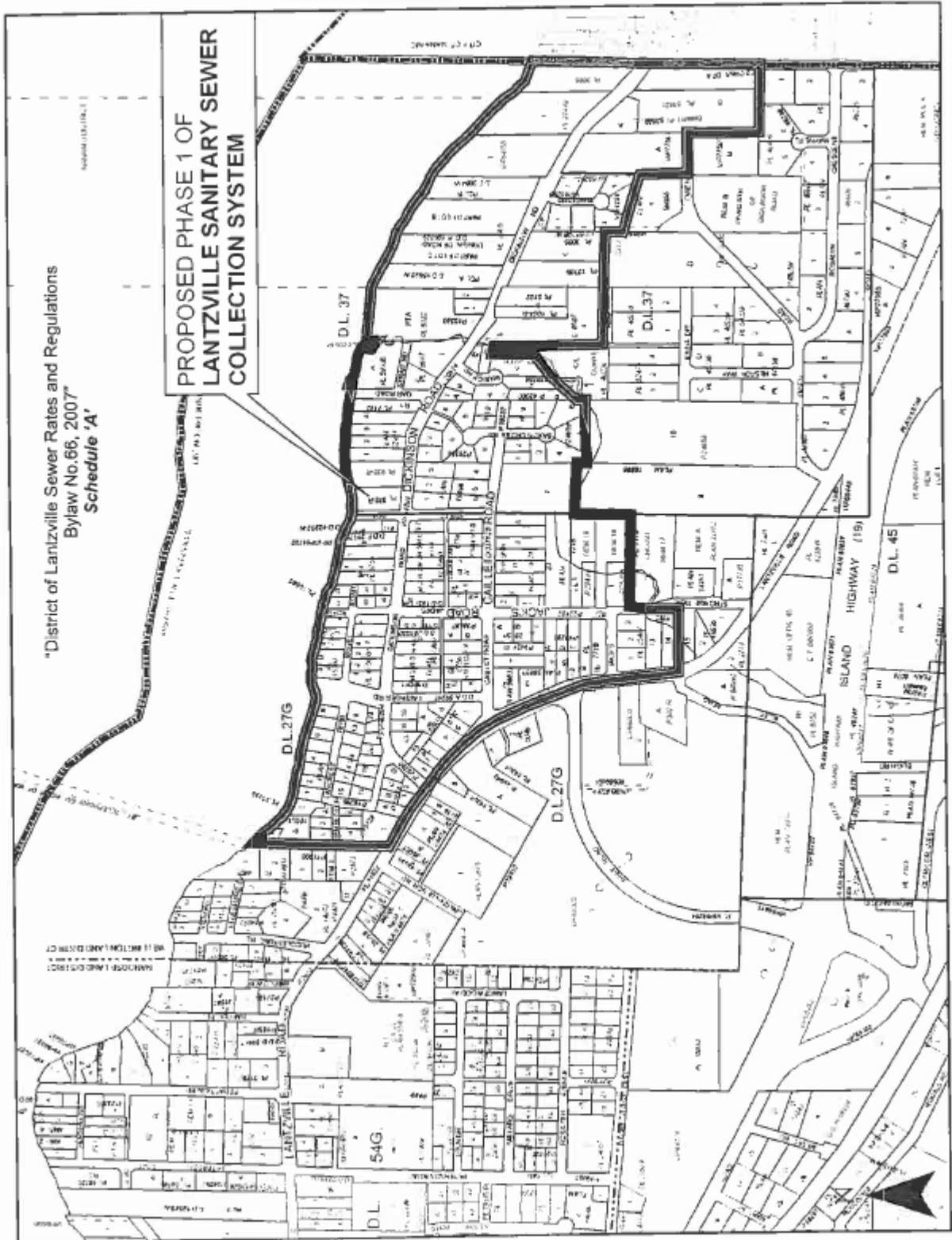
RECONSIDERED AND FINALLY ADOPTED this 22nd day of October, 2007.

Mayor

Director of Corporate Administration

I hereby certify that the above is a true and correct copy of "District of Lantzville Sewer Rates and Regulations Bylaw No. 66, 2007" as adopted by Council of the District of Lantzville on the 22nd day of October, 2007.

Director of Corporate Administration



"District of Lantzville Sewer Rates and Regulations Bylaw No. 66, 2007"

SCHEDULE 'B'
[Section 18.1]
SERVICE CONNECTION FEE

In addition to any fees for a Building Permit application the following Service Connection fee to defray the cost of laying a Sewer Connection shall be paid in accordance with section 18.1 of the Bylaw:

- (a) Connection Fee \$1,000.00

NOTES:

These connection fees are for work within the road right-of-way. Further costs to physically connect the public sewer from the property line to a building are at the expense of the property owner.

- (b) The Connection Fee in (a) above is reduced to \$Ø for any Building Sewers completed under this bylaw and approved by the District up to June 30th, 2008.
- (c) The Connection Fee in (a) above is reduced to \$Ø for any building sewers completed under this bylaw for those property owners subject to a pump purchase, and approved by the District up to June 30th, 2009.

"District of Lantzville Sewer Rates and Regulations Bylaw No. 66, 2007"

SCHEDULE 'C'
[Section 19.1]
USER CHARGES

RESIDENTIAL USERS

For all properties used exclusively for residential purposes, a minimum quarterly rate will apply.

<u>Classification</u>	Quarterly Rate (Minimum)
Single Family Dwelling	\$42
Mobile Home	\$42
Cabin	\$42
Cottage	\$42

In addition to the minimum quarterly rate, charges will be based on 66% of water consumed beyond the minimum allowable consumption as follows:

(i)	each additional cubic meter consumption from 76 to 100 cubic meters	\$1.60
(ii)	each additional cubic meter consumption from 101 to 125 cubic meters	\$1.70
(iii)	each additional cubic meter consumption from 126 to 150 cubic meters	\$1.80
(iv)	each additional cubic meter consumption beyond 151 cubic meters	\$1.90

COMMERCIAL USERS

For all properties used exclusively for commercial purposes, a minimum quarterly rate will apply.

<u>Classification</u>	Quarterly Rate (Minimum)
Duplex or Multiple Family Dwelling (per dwelling unit)	\$42
Community Halls	\$42
Church	\$42
School	\$42
Commercial or Business property	\$42

In addition to the minimum quarterly rate, charges will be based on 66% of water consumed beyond the minimum allowable consumptions as follows:

(i)	each additional cubic meter consumption thereafter	\$2.30
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Billing and Payment

1. The sewer user charges are billed and issued at the end of every quarter. Quarterly billing period is as follows:
 - 1st – January, February and March
 - 2nd – April, May and June
 - 3rd – July, August and September
 - 4th – October, November and December
2. The sewer charges are due and payable upon receipt and are overdue thirty (30) days thereafter.
3. Any such charge remaining unpaid thirty (30) days after the accounts are due and payable shall have a penalty added thereto in the amount of ten percent (10%) of the amount of the unpaid charge. Bills, in all cases will be mailed to the registered owner of the property to which the sewer bill applies and the owner shall be responsible for payment thereof.
4. All payments received will be applied firstly against arrears and then to current balances.
5. In the case of a connection being made during any year, the charge imposed shall begin with the month during which the final inspection of the sewer connection was made, if made on or before the fifteenth (15th) day of the month, the full monthly rate shall be charged, otherwise the charge shall commence on the month following.
6. Any such charge remaining unpaid on the thirty-first day of December in each year shall be deemed to be taxes in arrears in respect of the property of which the consumer dwells, and shall be forthwith entered on the real property tax roll by the Director of Financial Services as taxes in arrears.