

**TOWN OF LAKE COWICHAN
BYLAW NO. 1048-2021**

**A BYLAW TO REGULATE THE RATES, TERMS AND CONDITIONS UNDER
WHICH MUNICIPAL SANITARY SEWER UTILITY SERVICE
MAY BE SUPPLIED AND USED**

WHEREAS Section 8 of the *Community Charter* permits a Municipal Council to operate and maintain such services as it deems desirable and by bylaw may provide for the classification of users and prescribe different rates, terms and conditions of sanitary sewer utility services;

AND WHEREAS it is deemed advisable that the Town of Lake Cowichan shall establish regulations and rates for the sewage system;

NOW THEREFORE, the Council of the Town of Lake Cowichan in open meeting assembled ENACTS as follows:

1. TITLE

This bylaw may be cited as the "Town of Lake Cowichan Sewer Regulations and Rates Bylaw No. 1048-2021".

2. DEFINITION

In this bylaw unless the context otherwise requires,

COMMERCIAL means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, industrial activities, retail or personal service use or any other Town approved commercial or business activity which results in the land and improvements in whole or part thereof being assessed at industrial or business tax rates for tax purposes;

CONSUMER means any person, company or corporation who is the owner or agent for the owner of any premises to which a sewer connection is supplied or made available from the public sewer and also any person who is the occupier of any such premises, and also includes any person who is actually a user of the public sewer;

DUPLEX means a residential building containing two segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and sharing at least one (1) common wall;

INSPECTOR means the Building Inspector for the Town or such person as the Town may from time to time designate;

OWNER in respect to real property means the registered owner of an estate in fee simple and includes:

- (a) the registered holder of the last registered agreement for sale; and
- (b) an agent authorized in writing by the owner to act on his behalf;

OWNER'S SEWER LINE means the sewer pipe extending from the property line of the property concerned to the building situated thereon and joining the sewer pipe to the plumbing system of the building;

PUBLIC SEWER SYSTEM means any sewer line, sewer system or portion thereof used or intended to be used for public use under the control of the Town;



SEWER CONNECTION means the sewer pipe extending from the public sewer to the property line of the property being served or about to be served;

SINGLE FAMILY UNIT means a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities;

SUPERINTENDENT means the Superintendent, Public Works and Engineering Services of the Town of Lake Cowichan;

TOWN means the Town of Lake Cowichan;

MULTI-FAMILY means a residential building containing three (3) or more single family units with cooking, living, sleeping and sanitary facilities, and with each single family unit sharing at least one common wall with the adjacent unit.

NON-PROFIT HOUSING means residential housing that is owned and operated by community based, non-profit society and has fifteen (15) units or more. Most non-profit housing societies receive some form of financial assistance from government to enable them to operate.

3. **CHARGES TO OWNER**

There shall be charged against the owner of the land or real property where a sewer or drain connection has been installed to the property and where plumbing is installed on the premises and is connected to the Town sewer system, sewer rate charges as set forth in Schedule "A" of this bylaw.

4. **APPLICATION FOR SERVICE**

4.1 Application in the form as prescribed from time to time must be completed and signed by the owner of such property or his duly authorized agent. Each application, when signed by the potential customer agrees to abide by the terms and conditions of this Bylaw and pay all appropriate fees or assessments for works or services.

4.2 Application for sewer connection and payment for same must be completed in conjunction with the application being made for a building permit.

4.3 Connection fees and inspection fees as outlined in Schedule "A" of this bylaw are payable at the time of the application for such service.

5. **INDEPENDENT RATES**

Where multiple independent users or multiple classifications of uses exist in what is commonly referred to as Common Connection line, the individual rates as defined in Schedule "A" of this bylaw shall be applicable whether or not an independent sewer or drain has been installed to the property.

6. **CHARGES WHEN VACANT**

6.1 The entire Town is a specified sewer service area; therefore, the owners of premises, whether occupied or vacant, to which a service connection has been made, shall be responsible for the payment of all sewer rates whether the services are actually used or not.

6.2 A separate charge will be applicable on non-metered duplex unit whether vacant or not.



7. COLLECTION OF FEES

- 7.1 All accounts will be billed annually in January for the period January 1st to December 31st and payable in advance. The due date is March 31st. These rates shall be payable at any place designated by Council, but in all cases, the owner shall be subject to the provisions of Section 258 of the Community Charter and shall be paid at the rates set forth in Schedule "A" attached to this bylaw.
- 7.2 Invoicing for sewer service shall commence on issuance of an occupancy permit and no later than six (6) months after the date of the issuance of the building permit whether or not the premises are occupied or an occupancy permit has been issued.
- 7.3 Metered accounts will be billed the minimum monthly charge annually on their annual January bill, and will receive additional bills for usage in excess of the minimum consumption charge quarterly or at a minimum semi-annually.
- 7.4 When a building containing multiple units is connected to the sewer service through a common connection line, and each unit has its own certificate of indefeasible title, the minimum usage charge will apply to each single family unit.
- 7.5 When a building containing multiple units is connected to the sewer service through a common connection line, and the entire building is under one title, the minimum usage charge will apply to each single family unit.
- 7.6 A minimum charge per unit applies except in the case of a non-strata duplex which shall be treated as a single-family dwelling.

8. DISCOUNTS AND PENALTIES

- 8.1 All accounts shall be allowed a discount of ten percent (10%) for prompt payment of the annual January billing or portion thereof if paid on or before the last day of February.
- 8.2 The annual January billing is due and payable on or before March 31st of the current year. If the account remains unpaid after the first business day in July a five percent (5%) penalty will be applied to the outstanding balance. If the account remains unpaid after September 30th an additional five percent (5%) penalty will be applied to the outstanding balance.
- 8.3 Excess usage billings will be due thirty (30) days from the invoice date. If the account remains unpaid after sixty (60) days from the billing date, monthly interest charges will be applied at two percent (2%) until the account is paid.
- 8.4 All outstanding balances as of December 31st will be transferred to taxes as arrears.

9. MANDATORY CONNECTIONS

- 9.1 If a parcel of land, upon which is situated a building occupied and/or used by one (1) or more persons, abuts a street or land or right-of-way upon or



under which there is laid a public sewer, the owner of such building shall connect or cause to be connected the said building with the public sewer system in the manner provided by this bylaw.

- 9.2 It shall be compulsory for any owner or owners whose property is capable of being serviced as described by Section 9.1 to connect or cause to be connected such property with the public sewer system.
- 9.3 The property owner shall be responsible for all costs associated with the works required for the installation of a sewer connection to that property.

10. OWNER REFUSES OR NEGLECTS

Where the owner or owners of any parcel of land in the Town which is required to be connected to the public sewer system, neglects, omits or refuses to comply with the provisions of this bylaw, within sixty (60) days of receipt of such notice, then the Town may serve the owner with a second registered notice to comply with this bylaw. If the owner neglects, omits or refuses to comply within sixty (60) days of receipt of the second notice, the Town may contract a private contractor to make the connection, and the charges of this connection to be charges as per provisions of Schedule "A" of this bylaw.

11. SEPTIC TANKS

Where, in the opinion of the Town, a public sewer connection is incapable of serving a said parcel of land, no permit will be issued and no such connection allowed; however, an adequate septic tank service may be installed to conform with the Bylaws of the Town. The septic tank service may be used until such time as it becomes a hazard in the opinion of the Public Health Inspector, or an adequate service is provided.

Where a hazard is reported all reasonable costs and expenses incurred in resolving that health hazard or unsanitary condition as a result of an order issued by the Public Health Inspector shall be added to the tax roll against the property of the owner and shall be treated as taxes in arrears under the Community Charter.

12. CAR/TRUCK WASH OUTLETS

Car and truck washing outlets shall not normally connect to a sanitary sewer system. This however, may be reconsidered by the Town if there is no other acceptable means to dispose the waste water. All connections to a sanitary sewer must provide for the removal of all oils and greases, etc. and other pollutants, acids and gritty materials.

13. UNCOVERED FOR EXAMINATION

- 13.1 The Inspector shall inspect the owner's sewer system when advised by the owner that the said sewer has been laid and is ready for inspection.
- 13.2 All of the owner's sewer system shall be left uncovered and convenient for examination until it has been inspected by the Inspector.
- 13.3 The owner or his agent shall test the house connection for sewer tightness in the presence of the Inspector. The test shall be performed by sealing the owner's sewer at the property line, using an approved plug, and then filling the line with water so that a head of not less than two point five meters (2.5m) (eight feet - 8') is placed on all sections of the building



sewer. The rate at which water escapes from the owner's sewer, when calculated under this test shall not exceed half litre ($\frac{1}{2}$ L) (one tenth gallon - 1/10 gal.) per hour for each three meters (3m) (ten feet -10') of owner sewer. This section may be waived at the discretion of the Town.

- 13.4 The owner's sewer shall not be covered nor backfilled until the Inspector has given written approval of the installation.
- 13.5 After final inspection has been made, it shall be incumbent upon the property owner to see that the sewer connection does not become obstructed from rocks, gravel, sand, sticks, garbage, or any other foreign material, grease build-up and the freezing of lines. Property owners shall see that clean out caps are not removed except for inspection by either property owners or other authorized person. In instances where an act of nature causes damage such as landslide, shifting of earth, washouts caused by rainfall or water tables, manmade instances such as contractors digging and breaking sewer, water and gas lines, construction of new streets or any other work that would cause damage or break sewer service lines on Town street, right-of-way or easement, the Town shall determine the cause of such damage, report or cause to have repaired the said line and further, determine who shall be liable for payment.

14. DEFECTIVE MATERIAL AND WORKMANSHIP

Where the Inspector finds that the materials or workmanship of an owner's sewer are defective or otherwise not in accordance with the provisions of the bylaw, he shall so notify the owner who shall forthwith replace the defective material or correct the faulty workmanship, and notify the Inspector when the installation is again ready for inspection.

15. INSPECTION/RE-INSPECTION FEES

- 15.1 An inspection fee shall be paid to the Town for the initial inspection.
- 15.2 A re-inspection fee shall be paid to the Town for each additional inspection required after the first inspection because of defective materials or workmanship.

16. CONNECTION FEES

- 16.1 The sewer connection fee does not embrace works within the property of the applicant.
- 16.2 No person other than the Town, its employees or its contractors, shall install or cause to be installed any part of the sewer connection provided for in this bylaw, or in any way to break, interfere or tamper with any public sewer of the Town.

17. RIGHT OF ENTRY

- 17.1 The Superintendent and all employees of the Town, acting under the Superintendent's direction, are authorized to enter upon any property in the Sewer Service Area at any reasonable time in order to ascertain whether the provisions of this bylaw are being observed.
- 17.2 No person shall interfere with or obstruct the entry of an authorized official onto any property under Section 18.1.



18. INDEPENDENT SERVICE

Each lot or potential lot must be independently and separately connected with the public sewer.

19. MINIMUM DIAMETER

The minimum diameter of every owner's sewer shall be one hundred millimeters (100 mm) (four inches – 4”).

20. OWNER'S EXCAVATION

The owner's sewer line shall be excavated and backfilled at his or her expense and the Town shall not be held responsible for any or all damages resulting from said excavating or backfilling. The owner shall supply all pipe and appurtenances and shall be constructed of one of the following materials:

Concrete pipe shall conform to **CSA A 257.1**, "*Concrete Sewer, Storm Drain and Culvert Pipe*" or **CSA A257.2**, "*Reinforced Concrete Culvert, Storm Drain and Sewer Pipe*" of CSA Series A257, "Standards for Concrete Pipe".

Plastic sewer pipe (polyvinyl) chloride as approved in the BC Plumbing Code.

Such other material as the Town may from time to time approve.

21. SLOPE OF CONNECTION

21.1 The owner's sewer shall be laid to an even slope of not less than one to fifty millimeter (1 to 50 mm) (one-quarter inch to the foot - 1/4" to the 1') in the direction of the flow in all cases up to one hundred fifty millimeter (150 mm) (six inches - 6") lines and not less than one to one hundred millimeter (1 to 100 mm) (one-eighth inch to the foot - 1/8" to the 1') may be approved if installed under the direction of the Inspector.

21.2 The pipe shall be not less than point five meter (0.5m) (eighteen inches - 18") below the finished surface of the ground as measured to the top of the pipe, and it is mandatory that the property owner adequately protect it from freezing.

21.3 The pipe shall be laid concentric to each adjacent pipe and the joints shall be flush, even and free of any internal obstruction.

21.4 Where couplings are provided by the manufacturer as in the case of asbestos cement, or plastic pipes, the couplings shall be installed in accordance with the manufacturer's specifications.

21.5 In no case will cement, mortar and oakum joints be permitted.

21.6 Bell and spigot shall be laid with the spigot end facing the direction of the flow.

21.7 Where the owner's connection is laid over filled ground or in ground which may be subject to settling, the Inspector may require that cast iron soil pipe or materials other than those stated in Section 21 of this bylaw be used.



- 21.8 It shall be the responsibility of the owner to provide a one hundred millimeter (100 mm) (four inch - 4") clean out at the downstream end of the building sewer, totally inside the property line. It shall be suitably capped and protected from mechanical damage. The exact location shall be marked for ease of reference.
- 21.9 The pipe shall not bear on any plank, timber, rock or other unyielding object, nor shall any such object be placed against the pipe in backfilling.
- 21.10 Where the building sewer is laid near any shrub or tree whose roots may penetrate the pipe joints, the Inspector may require that special joint material be used.
- 21.11 The owner's sewer pipe shall have a hundred and fifty millimeter (150 mm) (six inch - 6") bed of sand prior to being installed and shall be covered with a layer of sand not less than three hundred millimeter (300 mm) (twelve inch - 12") thick over top of pipe. Select site material may be used if prior approval is obtained from Inspector.

22. REGULATIONS

- 22.1 Nothing in the bylaw shall be construed to permit the connection of surface water to the public sewer. The connection either directly or indirectly of roof leaders, foundation drains, sumps or any other collector of surface or ground water is not permitted. The owner of property who connects, permits or causes to be connected, any storm or surface or ground water from his premises or property to the public sewer shall be guilty of an infraction of this bylaw and shall rectify at his/her expense.
- 22.2 No gasoline, naphtha or other inflammable liquid or explosive substance and no grease, oil, lye, free acid, mud, grit, plaster of paris, lime, clay or any other trade or industrial wastes which may injure or impair the efficiency or safety of the public sewer or causes an upset or malfunction of the sewage treatment through deposits forming in the same or owing to the attacking and weakening of such public sewer shall be discharged into any public sewer within the Town.
- 22.3 In the case of any commercial or industrial premises where there exists a possibility that such noxious wastes as are described in Section 23.2 of this bylaw may be discharged into the public sewer, a permit to connect to the sewer shall not be issued until the Inspector has examined fully and approved the layout and design of the protective devices by means of which the applicant proposes to prevent or neutralize the discharge of the said wastes into the sanitary sewer.

23. ADMINISTRATION

The Town shall not be liable for any interruption or discontinuance of service provided by sewer facilities installed and maintained by the Town.

24. DISCONNECTION - DEMOLISHED BUILDINGS

When a building within the Town is removed or demolished, it shall be the duty of the owner or his agent to immediately supply to the office of the Town upon such forms as prescribed by the Town for a permit to disconnect from the public sewer, at the property line. The fee for such disconnection shall be the actual cost of the work as determined by the Town.



25. CONTRAVENTION AND PENALTIES

- 25.1 Any person who evades or knowingly assists in the evasion of rates under this bylaw is guilty of an offence and shall be liable to a penalty equal to twice the amount that was evaded.
- 25.2 Should the owner of a premises that has been scheduled for conversion to metered water service refuse the conversion, the premises will be charged twice the normal flat rate charge until such conversion has been made.
- 25.3 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed.
- 25.4 Any person found guilty of an infraction of any of the provisions of this bylaw, shall, upon summary conviction, be liable to a fine not exceeding Two Thousand Dollars (\$2,000) which shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act*.

26. REPEAL

That upon adoption of the bylaw, Bylaw No. 1046-2020 being the "Town of Lake Cowichan Sewer Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 26th day of January 2021.

READ A SECOND TIME on the 26th day of January 2021.

READ A THIRD TIME on the 26th day of January 2021.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the _____ day of _____ 2021.

Bob K. Day
Mayor

Joseph A. Fernandez
Corporate Officer



TOWN OF LAKE COWICHAN
SCHEDULE "A"
ATTACHED TO AND FORMING PART OF SEWER BYLAW NO. 1048-2021

| SEWER RATES | | 2021 | 2022 |
|---|------------------------------|---------------|---------------|
| Residential – monthly rates based on metered water consumption per unit: | Cubic Meters per Month | | |
| Single family unit | up to 35 m ³ | 25.62 | 26.90 |
| Townhouse per unit | up to 30 m ³ | 21.95 | 23.05 |
| Apartment or condo per unit | up to 25 m ³ | 18.27 | 19.18 |
| Outside user – per unit | up to 35 m ³ | 48.40 | 51.04 |
| RV site per unit | up to 20 m ³ | 14.65 | 15.38 |
| Non-profit apartment rate | up to 15 m ³ | 10.97 | 11.52 |
| Charge for use over maximum allowed per month | per m ³ | 0.49 | 0.50 |
| Residential – monthly rates based on non-metered rates for water | | | |
| Single family or each duplex unit | | 34.18 | 35.89 |
| Multi-family per unit | | 29.35 | 30.82 |
| Outside user | | 57.20 | 59.84 |
| <i>Metered customers - the following rates apply based on water consumption:</i> | | | |
| Commercial – monthly rates based on metered water use | | | |
| Commercial charge for up to 20 m ³ per month | | 14.70 | 15.44 |
| Fee for use over 20 m ³ per month | per m ³ | 0.49 | 0.50 |
| Commercial – monthly rates based on non-metered rates for water | | | |
| Coffee shop/ café/ office or store/ RV sites | | 19.64 | 20.62 |
| Churches/ halls/ auto body or machine shop/ beauty shop | | 34.02 | 35.72 |
| Garage or service station | | 44.63 | 46.86 |
| Hotel & motel – per room | | 9.87 | 10.36 |
| Licensed clubs or lounges and pubs | | 110.15 | 115.66 |
| Restaurants | | 66.78 | 70.12 |
| Grocery store (larger than 5,000 square feet) | | 207.90 | 218.30 |
| Schools – per room (classroom, shop, office, etc.) | | 32.20 | 32.30 |
| CONNECTION FEES - Existing un-serviced or serviced lots | | | |
| 4 inch Sewer connection | | Actual Cost * | Actual Cost * |
| 4 inch Storm connection | | Actual Cost * | Actual Cost * |
| Larger than 4 inch | | Actual Cost * | Actual Cost * |
| Inspection fee | | 85.00 | 90.00 |
| Re-inspection fee | | 85.00 | 90.00 |
| * Minimum Charge of \$2,500.00 will apply | | | |

