

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 3847**

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**A BYLAW TO PROVIDE FOR FEES AND CHARGES PAYABLE FOR UTILITIES AND STREET LIGHTING WITHIN THE SOUTHERN GULF ISLANDS AND JUAN DE FUCA ELECTORAL AREAS**

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*As amended by Bylaws, 3892, 3987, 4074*

**WHEREAS:**

- A. Pursuant to section 803 and section 363 of the *Local Government Act*, the Board may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the district or the exercise of regulatory authority by the Board.
- B. The Capital Regional District established services and facilities to supply, treat, convey, store and distribute water in the participating areas of the Southern Gulf Islands Electoral Area and Juan de Fuca Electoral Area (Skana Water Service, Surfside Park Estates Water Service, Lyall Harbour/Boot Cove Water Service, Magic Lake Estates Water System Local Service, Sticks Allison Water Local Service, and Wilderness Mountain Water Service).
- C. The Capital Regional District established services and facilities to collect, convey, treat and dispose of sewage in the participating areas of the Southern Gulf Islands Electoral Area (Magic Lake Estates Sewage System Local Service).
- D. The Capital Regional District established services and facilities to operate a street lighting system in the participating area of Port Renfrew in the Juan de Fuca Electoral Area.
- E. These bylaws authorize the recovery of annual costs by methods including:
  - (a) by way of an annual parcel tax; or
  - (b) by fees and charges to be imposed by bylaw under Section 363 of the *Local Government Act*.
- F. The Board wishes to establish a consolidated bylaw for the recovery of annual costs for utilities and street lighting in the Southern Gulf Islands and Juan de Fuca Electoral Areas.

**NOW THEREFORE** the Board of the Capital Regional District, in open meeting assembled, enacts as follows:

- 1. The Board hereby authorizes and imposes fees and charges for the Service Areas shown from time to time on Schedules "A" of the following bylaws:
  - (a) Bylaw No. 3089, "Skana Water Service Establishment Bylaw No. 1, 2003";
  - (b) Bylaw No. 3087, "Surfside Park Estates Water Service Establishment Bylaw No. 1, 2003", as amended
  - (c) Bylaw No. 1873, "Outer Gulf Islands Magic Lake Estates Sewage System Local Service Establishment Bylaw, 1990";

- (d) Bylaw No. 2920, "Lyll Harbour/Boot Cove Water Service Establishment Bylaw No. 1, 2001", as amended;
- (e) Bylaw No. 1874, "Outer Gulf Islands Magic Lake Estates Water System Local Service Establishment Bylaw, 1990", as amended;
- (f) Bylaw No. 2556, "Sticks Allison Water Local Service Establishment Bylaw No. 1, 1997";
- (g) Bylaw No. 3503, "Wilderness Mountain Water Service Establishment Bylaw No. 1, 2008";
- (h) Bylaw No. 1746, "Port Renfrew Street Lighting Local Service Establishment Bylaw No. 1, 1989", as amended;
- (i) Bylaw No. 1744, cited as "Port Renfrew Sewer Local Service Establishment Bylaw No. 1, 1989", as amended; and
- (j) Bylaw No. 1747, cited as "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989", as amended.

## 2. Interpretation

In this bylaw, unless context otherwise requires:

- (a) "**Applicant**" means a person who is the owner, lessee or tenant of an authorized premises and who has requested or applied for water or sewer service or for any other matter or thing under this bylaw from the Capital Regional District;
- (b) "**Board**" means the Board of Directors of the Capital Regional District;
- (c) "**Consumer**" means a person to whom a water or sewer service connection or street lighting has been provided by the Capital Regional District;
- (d) "**Construction Costs**" include costs of labour, materials and equipment;
- (e) "**CRD**" means the Capital Regional District;
- (f) "**Engineering Costs**" include costs of survey, design, permit acquisition, layout, inspection and as-constructed drawings;
- (g) "**Property**" means a Parcel which may or may not contain one or more buildings or other structures.
- (h) "**Service Abandonment**" an intentional relinquishment of the water service. A dwelling(s) that have been allowed to become uninhabitable would be considered to be abandoned.
- (i) "**Service Area**" means a service area specified in Section 1 above;
- (j) "**Service Line**" means the water supply pipeline from the property line to the primary building or structure on the property of a Consumer.
- (k) "**Sewer Service Connection**" means a pipe and all appurtenances necessary to connect a sewer main to a building sanitary sewer at the property line;

- (l) **“Single Family Equivalent”** means and includes a single family dwelling unit intended for the use or occupancy by one or more individuals as a non-profit household, and includes a dwelling unit in an apartment, condominium, duplex, or other multiple family facility.
- (m) **“Single Family Residential”** means a water or sewer service connection to a parcel of land having actual use identified by BC Assessment as a Single Family Dwelling, and which may include one secondary dwelling or suite;
- (n) **“Temporary disconnection”** means to shut off the water service at the Water Service Connection for a period of time not exceeding twelve months.
- (o) **“User Fee”** means a fee or charge imposed under Section 6 of this bylaw; and
- (p) **“Water Service Connection”** means a pipe and all necessary valves, connections, meters and other appurtenances necessary to connect a water main to a curb stop on the property line.

3. Water or Sewer Service Connection Fee

An Applicant for a Water or Sewer Service Connection in respect of real property within a Service Area shall, at the time of making an application for the service connection, pay the service connection fee set out in Schedule “A” hereto.

4. Water Service Turn On and Turn Off Fee

A Consumer in a Service Area requesting the turning off or turning on of the water supply at the curb stop under Section 22 or 24 of Bylaw No. 1792, “Water Regulations Bylaw No. 1, 1990”, shall pay the applicable turn on or turn off fee set out in Section 1 of Schedule “B” hereto.

5. Water or Sewer Service Abandonment Fee

The owner of property in a Service Area wishing to discontinue water or sewer service shall pay the applicable abandonment fee set out in Section 2 of Schedule “A” hereto.

6. Household Pump Station Service Fee

Where a household pump station is required, the Consumer shall be responsible for the supply of the station and the Consumer shall be responsible for the installation, operation, repairs and replacement of the station. The CRD may service or carry out repairs to the station at the Consumer’s request and shall charge a fee for the service as shown on Schedule “D”.

7. Utility Bill Appeal

- (a) Any Consumer obtaining a utility bill may formally register a complaint or dispute with the General Manager regarding the amount of any charge on the utility bill, no more than thirty (30) days from the date of billing.

- (b) The General Manager will review the complaint and may reduce the utility bill amount if:
  - i) there is an error in the calculation of the bill amount; or
  - ii) another circumstance exists that makes payment of the full bill amount unjust.

8. Utility Bill Adjustments for Leaks in the Service Line

- (a) No adjustment shall be made for leaks in internal plumbing systems and fixtures, including faucets and toilets, or leaks in an irrigation system on the Property.
- (b) The General Manager may make an adjustment to a utility bill in the case of a water leak and may take into consideration the cause of the water loss, the opportunity for the Consumer to detect the leak, the possibility of Consumer negligence or fault regarding the leak, and the promptness with which the leak was stopped or repaired after discovery.
- (c) To qualify for a utility bill adjustment, the leak must have been caused by circumstances beyond the Consumer's control, such as a break in the Service Line, a mechanical malfunction, water theft, vandalism, or other unusual or emergency conditions.
- (d) An owner must provide tangible proof that all water leaks have been repaired; the CRD Integrated Water Services has the authority to inspect the repair prior to considering a water leak adjustment.
- (e) The General Manager, upon receiving an application for a water leak adjustment, may adjust the amount of any utility bill for a Consumer where the owner satisfactorily proves there was a water leak(s) originating within the Consumer's Service Line.
- (f) If the General Manager permits a utility bill adjustment, the Consumer shall assume responsibility for the normal amount of water consumed at the current retail water rate based on the same billing period's consumption in the previous year; CRD Integrated Water Services shall absorb the remainder of the water consumption cost.
- (g) CRD Integrated Water Services will only consider a water leak adjustment for the billing period the leak was detected and the previous billing period in which the leak occurred to a maximum of two (2) billing periods.
- (h) Where the sewer charges are based on the water consumption volumes and a water leak adjustment has been approved, the consumption for sewer charges will be adjusted in accordance with the water consumption adjustment.
- (i) Where the sewer charges are based on the water consumption volumes and a water leak is in an irrigation system, the General Manager may adjust the sewer charges based on water consumption during the same billing period in the previous year; CRD Integrated Water Services shall absorb the remainder of the sewer consumption cost.
- (j) A sewer leak adjustment will be considered only for the billing period the water leak was detected and the previous billing period in which the leak occurred to a maximum of two (2) billing periods.
- (k) Only one leak adjustment for water and sewer per Property within a twelve (12) month period shall be permitted.

- (l) A leak adjustment application form must be submitted within 30 days of the billing date of the utility bill.

9. Water Meter Readings

- (a) If for any reason CRD Integrated Water Services shall be required to estimate the water consumption of a Property for any given period, the following procedure shall be followed:
  - i) The estimate shall be based on the water consumption history and the application of the use by the Consumer on the Property for which a water estimate is required; and,
  - ii) In the event that no sufficient history exists to produce a reasonable estimate, the estimate shall be calculated on the basis of an average of the water consumption for similar properties in the same area; the minimum estimate allowed will be ten (10) cubic metres of water per week.

10. Temporary Disconnection of Water Service Connection

- (a) The Consumer requesting their Water Service Connection to be shut off for a period of time not exceeding twelve months must give written notice to the CRD Integrated Water Services to turn off the water.
- (b) Despite shutting off the water service, the Consumer must pay the annual user charge when the Water Service Connection is shut off by temporary disconnection.

11. Street Lighting

Every person owning a parcel of land on which a dwelling or business is located within a street lighting local service area shall be deemed to be supplied with street lighting.

12. Water, Sewer and Street Lighting User Fees

The User Fees set out in Section 1 of Schedule "C", are hereto imposed on each Consumer in a Service Area and shall be paid in accordance with the following:

- (a) User fees invoiced by the CRD are due and payable by the owner of the parcel within thirty (30) days from the date the bill is issued;
- (b) User fees shall be payable each three months as billed by the CRD;
- (c) A late payment charge of 1.5% of the past due amount shall be added to all delinquent water and sewer bills;
- (d) All payments received will be applied firstly against arrears, and then to current balances; and
- (e) Amounts outstanding after penalty dates will be considered in arrears.

13. Date Effective

Section 8 of this bylaw comes into effect as of 01/07/12.

14. Repeal

Bylaw No. 3778, cited as "Southern Gulf Islands and Juan de Fuca Electoral Areas Sewer, Water and Street Lighting Fees and Charges Bylaw No. 1, 2011" and any amendments thereto are hereby repealed.

15. Citation

This Bylaw may be cited as "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012".

READ A FIRST TIME THIS	12 <sup>th</sup>	DAY OF	December	2012
READ A SECOND TIME THIS	12 <sup>th</sup>	DAY OF	December	2012
READ A THIRD TIME THIS	12 <sup>th</sup>	DAY OF	December	2012
ADOPTED THIS	12 <sup>h</sup>	DAY OF	December	2012

Original signed by Alastair Bryson \_\_\_\_\_

Original signed by Sonia Santarossa \_\_\_\_\_

## SCHEDULE "A"

(Bylaws 3924, 3987, 4074)

### 1. Water and Sewer Service Connections and Charges

The British Columbia Plumbing Code shall apply to all connections made to a CRD water or sewer system, together with the conditions as set forth hereinafter:

- (a) Any connections not conforming to the requirements set out in the British Columbia Plumbing Code shall not be connected to a CRD water or sewer system.
- (b) The connection charge for a water or sewer service connection shall be the actual cost for the connection, calculated as follows:
  - (i) Engineering Costs:  
Including survey, design, permit acquisition, layout,  
inspection and as-constructed drawings \$ \_\_\_\_\_
  - (ii) Construction Costs:  
Including labour, materials, and equipment \$ \_\_\_\_\_
  - (iii) Administration Costs:  
At 15% of the sum of (i) + (ii) \$ \_\_\_\_\_

ACTUAL COST = Sum of (i) + (ii) + (iii) \$ \_\_\_\_\_
- (c) Despite subsection 1(b),
  - (i) In the Skana Water Service Area, the minimum connection charge shall be \$1,000.
  - (ii) In the Magic Lake Estates Sewer Service Area and the Magic Lake Estates Water System Service Area, the minimum connection charge shall be \$500.
  - (iii) For all other Service Areas, the minimum connection charge shall be \$400.
- (d) Estimated fees payable herein shall be paid to the CRD on application for connection to the utility. The difference between fees paid upon application and the actual cost for the connection will be billed or refunded to the Applicant.

### 2. Water or Sewer Service Abandonment Fee

Pursuant to Section 5, the fee for abandonment of a water or sewer service connection is the actual cost to the CRD to remove the service connection, calculated in accordance with the formula set out in the above Section 1 of Schedule "A" hereto.

## SCHEDULE "B"

(Bylaws 3924, 3987, 4074)

### 1. Water Service Turn On and Turn Off Fee

Pursuant to Section 4, the fee for turning on or turning off the water supply at the curb stop is the following. The fees payable herein shall be paid to the CRD on application for the service.

<b><u>Service Area</u></b>	<b><u>During Normal Working Hours</u> <b>(07:30 – 16:00) Monday through Friday (non-inclusive of statutory holidays)</b></b>	<b><u>During Non-Working Hours</u></b>
Lyll Harbour / Boot Cove Water	No fee	No fee
Magic Lake Estates Water Sticks Allison Water	No fee	\$25.00
Skana Water Surfside Park Estates Water	\$25.00	\$75.00
Wilderness Mountain Water	\$50.00	\$50.00



## SCHEDULE "C"

(Bylaws 3924, 3987, 4074)

### 1. Water, Sewer, and Port Renfrew Street Lighting

a) For Single Family Equivalent, the user fees payable by Service Area shall be:

Service Area	Annual Charge - 25% of which is billed each 3 months
Skana Water	\$813.11 per Single Family Equivalent connected to the water system
Surfside Park Estates Water	\$1,058.10 per Single Family Equivalent connected to the water system
Magic Lake Estates Sewer	\$271.12 per Single Family Equivalent connected to the sewer system
Lyall Harbour/Boot Cove Water	\$528.24 per Single Family Equivalent connected to the water system
Magic Lake Estates Water	\$281.69 per Single Family Equivalent connected to the water system Quarterly Consumption Charge, effective as of July 1, 2013: >50 m <sup>3</sup> = \$0.50 m <sup>3</sup> >80 m <sup>3</sup> = \$1.00 per m <sup>3</sup>
Sticks Allison Water	\$1,149.12 per Single Family Equivalent connected to the water system Excess Consumption Fee - for metered water use per service connection in excess of 136 cubic metres per three months: \$2.20 per cubic metre
Wilderness Mountain Water	Consumption Charge: \$18.00 per month for each Single Family Equivalent connected to the water system. Annual User Charge: \$613.43 per annum for each Single Family Equivalent connected to the water system.
Port Renfrew Water Annual User Charge	\$198.81 per Unit (see Section 1b) billed in four equal payments
Port Renfrew Sewer Annual User Charge	\$425.19 per Unit (see Section 1b) billed in four equal payments
Port Renfrew Street Lighting	\$40.17 per User

b) For other Consumers, the annual charge, 25% of which is billed each three months, is calculated as "N" times the total annual Single Family Equivalent. "N" is determined as outlined in the following chart, except as noted in Sections 1c and 1d.

Use	"N"
Bed and Breakfast – each building	1.00
Hotel/Motel – each housekeeping unit	1.00
Cabin – each unit	1.00
Mobile home park – per space	1.00

Use (continued)	"N"
Commercial building housing 1 business	
Up to 3 employees	1.25
4 or more employees	1.50
Commercial building housing more than 1 business	
Each business up to 3 employees:	1.25
Each business with 4 or more employees:	1.50
Restaurant	2.00
Church	1.00
School – for each classroom	1.00
Hospital – for each bed	1.00
Other – for each 1,360 litres of daily winter water consumption. Estimated flows will be based on regulations or guidelines issued pursuant to the BC <i>Health Act</i> .	1.00

c) For the Lyall Harbour / Boot Cove Water Service Area:

Use	"N"
Commercial building housing 1 business	
Up to 3 employees	1.00
4 or more employees	2.00
Commercial building housing more than 1 business	
Each business up to 3 employees:	1.00
Each business with 4 or more employees:	2.00

d) For Port Renfrew Water and Sewer Service Areas:

If the Single Family Equivalent has not been designated in 1b, the unit calculation will be based on the **Minimum Daily Design Flow** as specified in the *Sewerage System Standard Practice Manual*, Version 2, September 21, 2007, prepared by the BC Onsite Sewage Association.

