

Bowen Island Municipality

“Snug Cove Sewer Regulation Bylaw No. 46, 2002”

CONSOLIDATED FOR CONVENIENCE – JULY 2005

Amendment Bylaw	Date of Adoption
Bylaw No. 106, 2004	November 8, 2004

The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

BOWEN ISLAND MUNICIPALITY**Snug Cove Sewer Regulation Bylaw No. 46, 2002**

A Bylaw respecting the Snug Cove Sewer System

WHEREAS:

- A. The Snug Cove Sewer System Local Service Area was established as a Local Service Area by bylaw of the Greater Vancouver Regional District;
- B. The Letters Patent establishing the Bowen Island Municipality established the Snug Cove Sewer System Local Service Area as a separate municipal specified area under Section 646 of the *Local Government Act*;
- C. The Bowen Island Municipality, by “Snug Cove Sewer Local Management Committee Purpose and Establishment Bylaw 10, 2000” and as required by the Bowen Island Municipality Letters Patent, established the purpose and area of the Specified Area and established a Snug Cove Sewer Local Management Committee having the responsibility set out in the Bylaw with respect to the Snug Cove Sewer System;
- D. Under the Bowen Island Municipality Letters Patent and the *Local Government Act*, Council has authority to adopt, amend or repeal the Bylaws inherited from the Greater Vancouver Regional District and to establish bylaws, policies and procedures applicable to the Snug Cove Sewer System.

The Council for the Bowen Island Municipality enacts as follows:

Part 1 - CITATION

- 1.1 This Bylaw may be cited as the “Snug Cove Sewer Regulation Bylaw No. 46, 2002”.
- 1.2 The Specified Area as at the date of adoption of this Bylaw is shown on the map attached as Schedule III to this Bylaw.

Part 2 – ADMINISTRATION OF SEWER SYSTEM**2.1 Direction of Management**

The Snug Cove Sewer Local Management Committee is directed to manage the maintenance and operation of the Snug Cove Sewer System on behalf of Council and in accordance with this Bylaw and “Snug Cove Sewer Local Management Committee Purpose and Establishment Bylaw No. 10, 2000”.

2.2 Financial Administration

The financial administration, the processing of permits and compliance inspection shall be under the direction of Bowen Island Municipality staff in accordance with this Bylaw.

2.3 Annual Budget

The Snug Cove Sewer Local Management Committee will provide for approval by Council an estimate of revenue and expenditure necessary to meet the costs of operation and maintenance of the Snug Cove Sewer System, and recommend to Council the provision of funds for capital purposes or the undertaking of capital projects in accordance with Bylaw No. 10, 2000. The recommendations from the Committee as approved will become part of the Bowen Island Municipality annual budget.

2.4 Recovery of Cost of Operating and Maintaining System

The annual cost of operating and maintaining the Snug Cover Sewer System and payment of debt service and retirement charges will be collected as taxes and borne as follows:

- a) 40% of the annual debt charges for the sewerage system shall be borne by way of a parcel tax charged against all parcels within the Specified Area;
- b) 60% of the annual debt charges for the sewerage system shall be borne by way of a user charge charged against property owners or users and calculated on the basis of the annual use of the system based on water consumption of parcels connected to the Sewer System and measured as set out in Appendix C to Schedule 1 of this Bylaw;
- c) The annual cost of operating and maintaining the sewerage system net of fees and charges recovered as user rates set out in Appendix B to Schedule 1 shall be recovered by way of a user charge charged against property owners or users and calculated on the basis of the annual use of the sewer system based on water consumption of parcels connected to the Sewer System and measured as set out in Appendix C to Schedule 1 of this Bylaw.

2.5 Reserve Fund

2.5.1 Council hereby establishes a reserve fund to be known as the Snug Cove Sewer Reserve Fund.

2.5.2 Money from current revenue or as provided in the *Local Government Act* may be paid into the Snug Cove Sewer Reserve Fund and expended by Council as provided in Section 496 of the *Local Government Act*.

2.6 Latecomer Charges

2.6.1 Where, under Section 939 of the *Local Government Act*, a determination of benefit has been made and a charge imposed as a condition of connection to the Snug Cove Sewer System, the charge proceeds received by Bowen Island Municipality shall be paid as provided under a latercomer agreement or under Section 939.

2.6.2 The annual rate of interest required to be established under Section 939 in respect of latecomer charges is the annual rate established from time to time for refunds of tax overpayments under Section 371 of the *Local Government Act*.

2.6.3 A copy of the Cates Hill Latecomer Agreement of July 12, 2000 is attached as Schedule II to this Bylaw.

2.7 Fees and Charges under Connection and Operating Regulations

Fees and charges for services performed under the Connection and Operating Regulations attached as Schedule 1 to this Bylaw are set out in Appendix B to Schedule 1 and shall be as varied by Council from time to time.

Part 3 – CONNECTION TO AND OPERATING REGULATIONS OF SEWER SYSTEM

3.1 The connection and operating regulations attached as Schedule 1 to this Bylaw apply to all persons connected or connecting to the Snug Cove Sewer System.

Part 4 – ENLARGEMENT OR REDUCTION OF SPECIFIED AREA

4.1 Council may by resolution enlarge or reduce the size of the Specified Area provided there is compliance with Section 649 of the *Local Government Act*.

Part 5 – POLICIES AND PROCEDURES

5.1 The policies and procedures adopted by Snug Cove Sewer Local Management Committee apply to the operation and maintenance of the Snug Cove Sewer System, subject to review or amendment by resolution of Council.

Part 6 – REPEAL OF INHERITED BYLAWS

6.1 Bylaws of the Greater Vancouver Regional District in force with respect to the Snug Cove Sewer System Local Service Area as at the date of incorporation of Bowen Island Municipality are hereby repealed upon adoption of this Bylaw, provided that any matters in issue prior to the effective date of adoption will be interpreted under the repealed Bylaws.

Part 7 – SEVERANCE

7.1 If a court of competent jurisdiction declares any section, subsection or paragraph of this Bylaw to be invalid, then the section, subsection or paragraph as the case may be, may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

Part 8 – EFFECTIVE DATE OF BYLAW

8.1 This Bylaw comes into effect upon adoption by the Council of Bowen Island Municipality.

READ a first time this 13th day of May, 2002.

READ a second time this 27th day of May, 2002.

READ a third time this 27th day of May, 2002.

RECONSIDERED AND FINALLY ADOPTED this 10th day of June, 2002.

“Original signed”

Lisa Barrett
Mayor

“Original signed”

Isabell Hadford
Chief Administrative Officer

SCHEDULE I TO BYLAW NO. 46, 2002**CONNECTION AND OPERATING REGULATIONS****Part 1 – DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

1. “Applicant” means a property owner or his agent making application for a service connection to the Snug Cove Sewer System, a sewer extension or a permit from the Municipality.
2. “Council” means the Council of Bowen Island Municipality.
3. "Building sewer" means a pipe that conducts Sewage that is connected to a building drain outside a wall of a building to the point of its connection to the Municipality service connection.
4. "Capable of connection" in respect of a building which generates or will generate Sewage on a Parcel of land means that the Parcel of land abuts a road or a registered right-of-way on which is located a Municipal sewer with sufficient excess capacity which allows the building to be connected by gravity or a pump to the Municipality service connection.
5. “Cleanout” means an acceptable fitting or manhole that is intended to provide access to a pipe or trap to permit cleaning and inspection services.
6. “Harmful Substance” means any substance which is injurious or harmful to the environment or any substance that may damage or impair the operation of the sewerage system.
7. "Local Management Committee" means the Snug Cove Sewer Local Management Committee established by “Snug Cove Sewer Local Management Committee Purpose and Establishment Bylaw 10, 2000”.
8. “Municipality” means Bowen Island Municipality.
9. “Municipal sewer” means a Municipality owned sewer pipe and facilities which conduct and treat Sewage.
10. “Operator” means the legal person having contractual responsibility to operate and maintain the treatment plant which serves the Sewer system or Municipality public works staff or contractors.
11. “Owner” is owner as defined in the “Local Government Act”.
12. "Parcel" or "Parcel of land" means a subdivided lot of an Owner within the Specified Area.

13. “Person” shall, when necessary, mean and include natural persons of either sex, associations, corporations, bodies politic, partnerships, whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators and assigns or other legal representatives of such person to whom the context may apply according to law.
14. "Service Connection" means a Municipality owned sewer connection located on a right of way that connects the Municipal sewer to a Building sewer. It includes a cleanout.
15. “Sewage” means liquid waste that contains animal, mineral or vegetable matter originating in a building or through an industrial process and that is discharged into the Sewer system.
16. "Sewer system" means all sewerage works and all appurtenances thereto, including sewer mains, service connections, pumping stations, treatment plants, lagoons and sewer outfalls.
17. “Snug Cove Sewer System" means the system constructed to serve the Specified Area.
18. "Specified Area" means the Specified Area from time to time served by the Snug Cove Sewer System.
19. “Storm drain” means a drain that conveys storm water.

Part 2 – CONNECTION TO AND USE OF SEWER SYSTEM

2.1 Mandatory Connection to Sewer System

Council may by resolution give notice to connect and require an Owner in the Specified Area, whose building is capable of connection to the Municipality sewer to connect or cause the building to be connected to the Sewer system on such terms and conditions as Council shall determine.

2.2 Capable of Connection

To be capable of connection, a building shall be located on land which abuts a highway or local government statutory right of way or registered right of way on which is located, or will be located by the Municipality, a Municipality owned sewer pipe to which a Building sewer can be connected.

2.3 Application

- a) A person who wishes to or is required to connect to the Sewer system shall make application to the Bowen Island Municipality for a sewer connection permit.

- b) The application shall be made on the form prescribed by Appendix “A” to Schedule I of this Bylaw and signed by the Applicant.
- c) The application shall be accompanied by a drawing showing the dimensions and elevations of all proposed and existing Building sewers, buildings, structures and surface features and improvements, and their location in relation to the property line.
- d) The Bowen Island Municipality staff will consider the application and recommend to the Local Management Committee whether and on what terms the connection should be made.
- e) Where the Service Connection is not at the building Owner's property line, a building Owner or occupant must satisfy the Local Management Committee that a sufficient registered easement or right-of-way exists for the Building sewer across any private land leading to the Service Connection.

2.4 Connection

- a) The connection of the Building sewer to the Municipality sewer, including the Building sewer and appurtenances, shall be in accordance with the Province of British Columbia current *Plumbing Code* as amended from time to time or Municipality specifications, whichever is applicable. The Building sewer shall be connected to the Municipal sewer on the upstream side of the Municipality owned inspection chamber located at the property line. A back flow prevention valve is to be installed.
- b) The connection of storm drain facilities (including footing drains, roof leaders, lot surface drainage, etc.) to the Municipal sewer is strictly prohibited.

2.5 Failure to Comply

- a) 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 has failed or neglected to connect his buildings or structures to the Service Connection as required, the Municipality, by its employees or contractors, may enter upon the property and cause the connection to be made.
- b) Where a Building sewer and Service Connection is made under subparagraph (a) it shall be done at the expense of the Owner in default and the expense, with interest at the rate prescribed under the *Local Government Act*, may be recovered from the Owner in the same manner as taxes.

2.6 Tampering with Sewer System

- a) No person shall tamper with or make any alteration or connection to the Sewer system without first obtaining the required permits or written authorization from the Snug Cove Sewer Local Management Committee.

- b) No person shall willfully damage, destroy, uncover, deface or otherwise tamper with any part of the Sewer system.
- c) No person shall cause, or permit, any contaminant or Harmful Substance to enter the Sewer system.

2.7 Illegal Connections

No person shall connect or allow to be connected or allow to remain connected to the Sewer system any Premises without the required permits and compliance with this Bylaw or written authorization from the Snug Cove Sewer Local Management Committee.

2.8 Authority of Municipality to Remedy Breaches of Bylaw

- a) Where an Owner or occupier of a parcel discharges into the Sewer system any Sewage, Harmful Substance or matter prohibited by this Bylaw; or
- b) Where an Owner has failed to maintain to the standard of the *B.C. Plumbing Code*, the Building sewer and other plumbing on the Owner's Premises that is connected to the Sewer system,

the Municipality may on notice to the Owner remedy the contravention and recover the cost thereof from the Owner.

Part 3 – SEWER EXTENSIONS

3.1 Extensions by Council Designation

- a) Council may designate Sewer Extensions to be undertaken by the Municipality in the Specified Area.
- b) Sewer Extensions designated by the Council shall be financed in accordance with the provisions of the *Local Government Act* and this Bylaw.

3.2 Extensions Other than by Council Designation

- a) If an Owner of a Parcel of land wishes to proceed with a Sewer Extension at his expense, the Snug Cove Sewer Local Management Committee may allow the Sewer Extension on the terms and conditions as set out in subparagraph (b).
- b) An Applicant for a Sewer Extension shall, prior to connection to the Sewer system:
 - i) retain a professional Engineer, registered and insured in the Province of British Columbia, who shall be responsible for the design, layout and inspection of installation and recording and certification of “as-constructed” information for the Sewer Extension and associated Service

Connections, and shall submit such information to the Municipality to the satisfaction of the Municipality.

- ii) install the Sewer Extension entirely at his own expense, including any costs of upgrading downstream portions of the Sewer system determined to be undersized due to the additional flows;
 - iii) construct the Sewer Extension in accordance with the specifications of the Municipality;
 - iv) pay to the Municipality all applicable fees and charges imposed by bylaws of the Municipality;
 - v) satisfy the Snug Cove Sewer Local Management Committee and Municipal staff that the existing Sewer system downstream of the proposed point of connection has adequate capacity to accommodate flows from the proposed Sewer Extension;
 - vi) obtain, at his expense, all necessary registered rights of way and easements as required by the Municipality.
- c) Construction of a Sewer Extension shall not relieve an Applicant from payment of a Service Connection fee for each Parcel of land to be served by the Sewer Extension or Parcel of land to be created by subdivision to be served by the Sewer Extension.

3.4 Subdivisions

Where new lots are created by subdivision within the Specified Area Council may require as a condition of the subdivision that the Owner shall, at his own expense, construct the required Sewer Extension in accordance with this Bylaw and install Service Connections to each newly created Parcel of land.

Part 4 – BUILDING SEWERS

4.1 Plumbing Code

- a) The Building sewer shall be installed in accordance with the *B.C. Plumbing Code* and shall be constructed by the Owner entirely at his own expense.
- b) The Owner shall apply to the Municipality and obtain a connection permit prior to connection of the Building sewer to the Service Connection.

4.2 Responsibility of Owner

A Building sewer and plumbing connected to the Building sewer shall be maintained by the property Owner at his sole expense.

4.3 Special Conditions of Use

- a) Premises where food is prepared for commercial distribution, such as restaurants, pubs, delicatessens, bakeries, and food takeouts, shall provide and maintain grease interceptors or other appropriate devices to ensure the Sewage generated by the premises has no negative impact on the Sewer system.
- b) New construction, renovation or change of use which materially affects the nature or quantity of Sewage discharge from a parcel requires an application to the Municipality for modification of the Service Connection permit.

4.4 Blockages

Where any Service Connection becomes stopped or otherwise fails to function, the Owner or occupier of the Premises served shall first determine that the blockage is not located in his Building sewer and then notify the Municipality forthwith who shall, as soon as practicable, arrange to have the Service Connection unstopped or otherwise restored to serviceable condition. If the stoppage or failure is caused by the Owner or occupier, the cost of restoring service is recoverable from the Owner or occupier.

4.5 Abandonment

When any Building sewer ceases to be used or is abandoned, the Owner of the Land shall notify the Municipality. The Municipality shall effectively block up the Building sewer at the Service Connection with an approved watertight seal.

4.6 Connection to Service Connection

- a) Every Service Connection shall be installed prior to the installation of the Building sewer to the Service Connection. The installation shall include an approved plug in the inspection chamber at the property line.
- b) The Building sewer and the Service Connection shall be inspected by the Operator prior to the removal of the plug and discharge of Sewage into the Sewer system.

Part 5 – FEES AND CHARGES

Fees and charges for services performed under this Schedule I as at the date of this Bylaw are set out in Appendix B to Schedule I and Council may by resolution establish new or additional fees or vary existing fees.

Part 6 – INSPECTION AND ENFORCEMENT

6.1 Right of Entry for Inspection

Representatives of the Snug Cove Sewer Local Management Committee or of the Municipality may enter at all reasonable times on property subject to this Bylaw for the purpose of inspecting the Building sewer and sewer pipes or other fixtures to ascertain whether or not the provisions of this Bylaw or any direction of the Municipality pursuant to this Bylaw are being observed.

6.2 Direct Enforcement

Where this Bylaw requires any person to do anything, on default by that person, the thing may be done at the expense of the person in default by the Municipality which may recover the expense, with interest at the rate prescribed under the *Local Government Act*, in the same manner as taxes.

6.3 Offence

Any person who does any act or suffers or permits any act to be done in contravention of this Bylaw commits an offence.

6.4 Penalty

- a) A person who commits an offence contrary to this Bylaw is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) for a first offence and for each subsequent offence to a fine of not less than two hundred dollars (\$200) and not more than two thousand dollars (\$2,000).
- b) A separate offence shall be deemed to be committed upon each day during and on which the contravention occurs or continues.
- c) The penalties imposed under subparagraph (a) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other enactment.

APPENDIX A TO SCHEDULE I**Snug Cove Sewer Service Application**

Pursuant to the regulations applicable to the Snug Cove Sewer System,

I, _____, being the owner or acting with the owner's consent, hereby make application for a sewer service connection to the property indicated below.

I agree to be subject to all bylaws, rules and regulations and to pay such rates as are thereby specified.

Name of Owner _____

Name of Contractor _____

Mailing Address:

Mailing Address:

Street _____

Street _____

City _____

City _____

Prov. _____ Postal Code _____

Prov. _____ Postal Code _____

Phone No. _____

Phone No. _____

Description of Property to which a connection is requested:

Street Address (if applicable) _____

Legal Description: Lot _____ Block _____ Plan _____ D.L. _____

Tax Assessment Folio No. _____ P.I.D. No. _____

Intended Use of Property _____

Date _____ Signature of Applicant _____

For Office Use Only

Date application received _____ Drawings received: Yes _____ No _____

Application reviewed by _____ Date payment received _____

Date work order issued _____ Date installation complete _____

Date sewer plug pulled _____ Water meter reading _____

As-built drawings submitted: Yes _____ No _____

Your application for a sewer service connection has been approved as detailed below. This connection will be installed upon receipt of the connection fee and necessary approvals. The fee for this connection is \$_____.

Details of Connection: _____

Approved by: _____ Date: _____

APPENDIX B TO SCHEDULE I
as at (date bylaw adopted)

Fees and Charges

1. Connection fee: \$200.00

2. Inspection.

For new construction, included in the Building Permit or Connection fees.

In other cases, an hourly charge determined by the Municipality and based on the cost of providing the inspection service.

3. Services required to building sewer or cleanout.

An hourly charge determined by the Municipality and based on the cost of providing the inspection service.

APPENDIX C TO SCHEDULE I

User Charges

A. Billing and Payment

1. User charges as invoiced on behalf of Bowen Island Municipality on a periodic basis are due and payable on presentation. A ten percent (10%) penalty will be charged if payment is not made within sixty (60) days of the billing date and, thereafter, amounts unpaid will bear interest at the same rate as unpaid municipal property taxes.
2. Amounts outstanding after penalty dates will be considered arrears.
3. All payments received will be applied firstly against arrears, and then to current balances.

B. Measurement of Charges

1. All parcels connected to the Sewer System are required at the expense of the Owner or user to install a water meter approved by the Municipality to measure water consumption from the supply main to the parcel.
2. Commercial or institutional properties may install a second meter to measure water that does not enter the sewage system such as water used for irrigation or the operation of cooling machinery.
3. Water consumption means the total measured or estimated consumption of water for sewage purposes by commercial or institutional properties or the total consumption of water by other properties as measured by the meter or estimated for the period of consumption. Where the user is not connected for the entire period or there is a malfunction of a meter or for the last month of a billing period, the Municipality may estimate water consumption for a user based on the usage of similar users or other reasonable historical information and the estimated consumption will be the user's measured water consumption for the period.
4. The user charge imposed in respect of a parcel for a period of consumption will be an amount determined by the Municipality to be the user's proportionate share of the cost required to be recovered by user charges for the period. The user's proportionate share will be a fraction or percentage based on the proportion that the user's measured water consumption for the period bears to the total measured water consumption for all users for the period.