



# TOWN OF LAKE COWICHAN

## Regular Meeting of Council

Tuesday, October 23rd, 2018 at 6:00 p.m. – Council Chambers

<b>AGENDA</b>		<b>Page #</b>
<b>1. <u>CALL TO ORDER</u></b>		
<b><u>INTRODUCTION OF LATE ITEMS</u></b> (if applicable)		
<b>2. <u>APPROVAL OF AGENDA</u></b>		
<b>3. <u>ADOPTION OF MINUTES</u></b>		
(a) Minutes of the Regular Meeting of Council held on September 25 <sup>th</sup> , 2018.		<b>3</b>
(b) Minutes of the Special Meeting of Council held on October 9 <sup>th</sup> , 2018.		<b>8</b>
<b>4. <u>BUSINESS ARISING AND UNFINISHED BUSINESS</u></b>		
None.		
<b>5. <u>DELEGATIONS AND REPRESENTATIONS</u></b>		
None.		
<b>6. <u>CORRESPONDENCE</u></b>		
(a) <b>Action Items</b>		
(i) J. Barry, CVRD re: CVRD Bylaw 4237 – Transit Service Amendment Bylaw, 2018.		<b>9</b>
(b) <b>Information or Consent Items-</b> (a member may ask that an item be dealt with separately)		
(i) Ministry of Attorney General re: Retail sale of non-medical cannabis.		<b>16</b>
(ii) Hon. Claire Trevana, Minister of Transportation and Infrastructure re: UBCM meeting.		<b>22</b>
<b>7. <u>REPORTS</u></b>		
(a) <b><u>Council and Committee Reports</u></b>		
(i) Finance & Administration	Councillor McGonigle	
• October 9th 18th, 2018.		<b>24</b>
(ii) Public Works & Environmental Services	Councillor Austin	
• October 2nd, 2018.		<b>26</b>
(iii) Parks, Recreation & Culture	Councillor Vomacka	
• October 2nd, 2018.		<b>28</b>
(iv) Economic & Sustainable Development	Councillor Day	
• October 9th, 2018.		<b>30</b>
(v) Cowichan Lake Recreation Commission	Mayor Forrest	
(vi) V.I.R.L.	Councillor Vomacka	
(vii) Advisory Planning Commission	Councillor McGonigle	

(viii) Community Forest Co-op

Councillor McGonigle

(b) **Other Reports**

- (i) Cowichan Valley Regional District Board Meeting – Councillor Day.
- (ii) Community Outreach Team Committee - Councillor Austin.

(c) **Staff Reports**

None.

**8. BYLAWS**

- (a) "Town of Lake Cowichan Bylaw to Amend Subdivision, Works and Services Bylaw No 974-2016 Bylaw No 1009-2018" be reconsidered and adopted.
- (b) "Town of Lake Cowichan Council Remunerartion and Expenses Bylaw No.1010-2018" be reconsidered and adopted.
- (c) "Town of Lake Cowichan Permissive Exemption from Taxation for the Royal Canadian Legion Lake Cowichan Branch 210 Bylaw No. 1011-2018" be reconsidered and adopted.
- (d) "Town of Lake Cowichan Inter Community Business Licence Bylaw No. 1012-2018" be first, second and third readings.
- (e) "Town of Lake Cowichan Water Regulations and Rates Bylaw No. 1013-2018" be given first, second and third readings.
- (f) "Town of Lake Cowichan Sewer Regulations and Rates Bylaw No. 1014-2018" be given first, second and third readings.
- (g) "Town of Lake Cowichan Waste Regulations and Rates Bylaw No. 1015-2018" be given first, second and third readings.

<b>32</b>
<b>33</b>
<b>38</b>
<b>39</b>
<b>45</b>
<b>56</b>
<b>65</b>

**9. NEW BUSINESS**

None.

**10. MAYOR'S REPORT**

**11. NOTICES OF MOTION**

**12. QUESTION PERIOD**

**- Limited to items on the agenda**

**13. IN CAMERA**

- (a) Section 92 of the *Community Charter* requires that before a meeting or part of a meeting is closed to the public, the council must state, by resolution, that the meeting is to be closed, and
- (b) The basis on which the meeting is to be closed falls under the following:  
s.90 (1) (c) labour relations or other employee relations.

**14. ADJOURNMENT**



**TOWN OF LAKE COWICHAN**  
Minutes of a Regular meeting of Council  
Tuesday, September 25th, 2018

**PRESENT:** Mayor Ross Forrest  
Councillor Carlyne Austin  
Councillor Tim McGonigle  
Councillor Lorna Vomacka  
Councillor Bob K. Day

**STAFF:** Joseph A. Fernandez, Chief Administrative Officer  
Jill Walters, Recording Secretary

**PUBLIC:** 2

**1. CALL TO ORDER**

Mayor Forrest called the meeting to order at 6:00 p.m.

**2. AGENDA**

No. R.00118/18

Moved: Councillor Vomacka  
Seconded: Councillor Austin  
that the agenda be approved as amended with the following additions under:

**New Business:**

- (a) Councillor Vomacka's absence from the October 9<sup>th</sup>, 2018 meetings; and

**Reports:**

- (a) CAO re: Building Demolition Tenders.

CARRIED.

**3. ADOPTION OF MINUTES**

No. R.00119/18

- (a) Moved: Councillor Day  
Seconded: Councillor McGonigle  
that the minutes of the Regular Meeting of Council held on August 28<sup>th</sup>, 2018 be adopted.

CARRIED.

No. R.00120/18

- (b) Moved: Councillor McGonigle  
Seconded: Councillor Austin  
that the minutes of the Public Hearing held on August 28<sup>th</sup>, 2018 be adopted.

CARRIED.

**4. BUSINESS ARISING AND UNFINISHED BUSINESS**

None.

**5. DELEGATIONS AND REPRESENTATIONS**

None.

**6. CORRESPONDENCE**

**(a) Action Items**

None.

**(b) Information or Consent Items**

- (i) The correspondence item from Daryl Slater, Water Manager, Ministry of Forest, Lands, Natural Resources Operations and Rural Development re: Catalyst 10 year water license decision

was treated as information.

**7. REPORTS**

**(a) Council and other Committee Reports**

No. R.00121/18  
Finance and  
Administration

- (i)** Moved: Councillor McGonigle  
Seconded: Councillor Day  
that the minutes of the Finance and Administration Committee meeting held on September 18th, 2018 be approved with the following:

Water Treatment Plant

1-that the Committee recommend the approval of \$29,000 to cover additional costs for the Water Treatment Plant.

Fire Department July Incident Report

2- that the Committee recommend approval of the Lake Cowichan Fire Department's incident report for July,2018 in the total amount of \$7,983.00.

Fire Department August Incident Report

3- that the Committee recommend approval of the Lake Cowichan Fire Department's incident report for August,2018 in the total amount of \$10,671.58.

Council Remuneration

4-that Council recommend an annual 2% adjustment to the Mayor's annual salary based on 2019 salary of \$23,386. The remuneration ratio for Councillors is maintained at 60% of the Mayor's annual salary.

Council Extended Health Benefit Plan

5- that Council recommends participating in the extended health benefit plan with 100% of the premium to be paid by the Town with any dependent coverage being paid by the Council member.

Council Daily Per Diem

6- that the recommended daily per diem be increased to \$70.00 effective January 1<sup>st</sup>, 2019.

Council Remuneration Bylaw

7- that the Council Remuneration Bylaw be amended.

Cowichan Lake Elder Care Initiative Select Committee Dissolved

8- that the Committee recommending dissolving the Cowichan Lake Elder Care Initiative Select Committee.

Inter Community Business Bylaw

9- that Council approves moving forward with amendments of the Inter Community Business Bylaw.

2019 Fire Department Budget

10- that the 2019 Fire Department Budget as presented be approved.

CARRIED.

No. R.00122/18  
Public Works and  
Environmental  
Services

- (ii)** Moved: Councillor Austin  
Seconded: Councillor Day  
that the minutes of the Public Works and Environmental Committee meeting held on September 4th, 2018, be approved as amended:

1-that a "no left turn" sign be placed at Darnell Road as per the Ministry of Transportation standards;

2-that the recycling contract be awarded to Waste Connection of Canada for the five- year term ending August 2022.

CARRIED.

No. R.00123/18  
Parks, Recreation  
and Culture

- (iii) Moved: Councillor Vomacka  
Seconded: Councillor Austin  
that the minutes of the Parks, Recreation and Culture Committee meeting held on September 4th, 2018 be approved, as presented.

CARRIED.

No. R.00124/18  
Economic and  
Sustainable  
Development

- (iv) Moved: Councillor Day  
Seconded: Councillor McGonigle  
that the minutes of the Economic and Sustainable Development Committee meeting held on September 18th, 2018 be approved as presented.

CARRIED.

Cowichan Lake  
Recreation

- (v) There was no update for the Cowichan Lake Recreation Commission.

Vancouver Island  
Regional Library

- (vi) Councillor Vomacka gave a report on the highlights of the Vancouver Island Regional Library which included:
- At the August Summer Reading Program the kids made ice cream;
  - September 22<sup>nd</sup>, 2018 the 2019-2023 Financial Plan was passed;
  - Children's late fines will be eliminated.
  - A .91 cent per capita increase will go into effect in 2019 to cover the 25% construction costs with an application for the Provincial Grant Funding for Rural Communities;
  - The V.I.R.L Chair proposed the inclusion of First Nations participation in to the swearing in ceremony as a gesture of inclusion.

Advisory Planning  
Commission

- (vii) There was no report from the Advisory Planning Commission. The next meeting will be held September 27<sup>th</sup>, 2018.

Community Forest  
Co-op

- (viii) Councillor McGonigle reported that the Community Forest Co-op met with the MLA and Premier John Horgan in Port Renfrew at an event hosted by the Pacheedaht First Nations to celebrate the agreement. A second retreat was held to discuss the end of the entity. More information will be available when the final report is completed.

Cowichan Valley  
Regional District  
Board

- (b) **Other Reports**  
(i) Councillor Day reported on the highlights of CVRD meetings which included:
- Bruce Fraser, CVRD made a Shawnigan Basin presentation;

- A \$1500 grant was given to the Honeymoon Bay Society for salmon enhancement and for the elimination of flooding at Sutton Creek;
- Staff will cover the Board's work until the new Board starts in November;
- The North Oyster Fire Department Building will commence construction soon; and
- The Regional District has amended their Cannabis Bylaw with changes to the definitions.

Community Outreach Team (ii) No report. The next meeting will be held October 18<sup>th</sup>, 2018.

Seniors Care Facility (iii) This item will be removed from the Agenda.

(c) **Staff Reports**

No. R.125/18 (i) Moved: Councillor McGonigle  
Seconded: Councillor Day  
that Council approve acceptance of Lakeside Property Maintenance's bids for the demolition and removal of the buildings at 182 Neva Road and at 61 South Shore Road for the amounts of \$25,839.14 and \$28,961.16 respectively and both inclusive of all taxes with the bidder to maintain appropriate liability insurance in both instances. CARRIED.

8. **BYLAWS**

No. R.0126/18 (a) Moved: Councillor McGonigle  
Seconded: Councillor Day  
that the "Town of Lake Cowichan Columbarium Bylaw No. 1008-2018" be reconsidered and adopted. CARRIED.

No. R.0127/18 (b) Moved: Councillor McGonigle  
Seconded: Councillor Austin  
that the "Town of Lake Cowichan Subdivision, Works and Services Amendment Bylaw No. 1009-2018" be given first, second and third reading. CARRIED.

No. R.0128/18 (c) Moved: Councillor Day  
Seconded: Councillor Austin  
that the "Town of Lake Cowichan Council Remuneration and Expenses Bylaw No. 1010-2018" be given first, second and third. CARRIED.

9. **NEW BUSINESS**

No. R.0129/18 (a) Moved: Councillor McGonigle  
Seconded: Councillor Day  
that Councillor Vomacka's absence from the October 9<sup>th</sup>, 2018 meeting be approved. CARRIED.

10. **MAYOR'S REPORT**

The Mayor presented his report for September 2018 highlights which included:

- 75<sup>th</sup> Anniversary Planning;
- Congratulations to Liam Fawcett and Reid

Nahirnick for their fundraising efforts and the success of the Cody Classic Ball Tournament;

- Bylaw Complaint and Enforcement Process;
- Summary of the 2018 UBCM; and
- Best Wishes for all Candidates who have put their names forward in this years election.

**11. NOTICES OF MOTION**

**12. QUESTION PERIOD**

**13. IN CAMERA**

**14. ADJOURNMENT**

Adjournment  
No. R.00130/18

Moved: Councillor Vomcka  
Seconded: Councillor Day  
that we adjourn at 7:04p.m.

CARRIED.

Certified correct \_\_\_\_\_.

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

**TOWN OF LAKE COWICHAN**  
Minutes of Special Meeting held on  
Tuesday, October 9th, 2018



**PRESENT:** Mayor Ross Forrest  
Councillor Carolyne Austin  
Councillor Bob K. Day  
Councillor Tim McGonigle

**STAFF:** Joseph Fernandez, Chief Administrative Officer  
Ronnie Gill, Director of Finance

**PUBLIC:**

1. **CALL TO ORDER**  
The Chair called the meeting to order at 6:55 p.m.
2. **APPROVAL OF AGENDA**  
No R.00131/18 Moved: Councillor Day  
Seconded: Councillor McGonigle  
that the agenda be approved as presented. CARRIED.
3. **ADOPTION OF MINUTES**  
None.
4. **BUSINESS ARISING AND UNFINISHED BUSINESS**  
None.
5. **DELEGATIONS**  
None.
7. **REPORTS**  
None.
8. **BYLAWS**  
No. R.0132/18 (a) Moved: Councillor McGonigle  
Bylaw No. 1012-2018 Seconded: Councillor Austin  
that "The Town of Lake Cowichan Permissive Exemption from  
Taxation for the Royal Canadian Legion Branch 210 Bylaw No.  
1012-2018" be given first, second and third readings. CARRIED.
9. **STAFF REPORTS**  
None.
10. **MAYOR'S REPORT**
11. **MEDIA/PUBLIC QUESTION PERIOD**
12. **ADJOURNMENT**  
No R.00133/18 Moved: Councillor Day  
Adjournment Seconded: Councillor McGonigle  
that this meeting adjourn. (6:58 p.m.) CARRIED.

Certified correct \_\_\_\_\_

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair





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October 16, 2018

File No.: Bylaw No. 4237

Via email:  
jfernandez@town.lakecowichan.bc.ca

Town of Lake Cowichan  
PO Box 860  
LAKE COWICHAN BC V0R 2G0

**Attention: Joe Fernandez, Chief Administrative Officer**

Dear Mr. Fernandez:

**Re: "CVRD Bylaw No. 4237 – Transit Service Amendment Bylaw, 2018"**

The Board of Directors, at their meeting of October 10, 2018, granted first three readings to the attached Transit Service Amendment Bylaw.

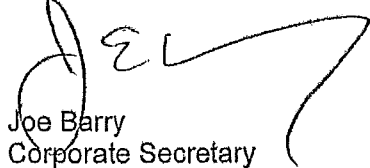
If adopted by the Board, Bylaw No. 4237 will add the Town of Ladysmith as a Commuter Transit Service participating area; change the apportionment of costs for the Commuter Transit Service to assessment based; remove out of date apportionment calculations; and update the language in the whereas clauses.

In order to consider adoption of Bylaw No. 4237, written consent must be obtained from at least 2/3 of the service area participants. Accordingly, the CVRD requests that the following resolution be considered and adopted by Council:

***That the Town of Lake Cowichan consents to the adoption of "CVRD Bylaw No. 4237 – Transit Service Amendment Bylaw, 2018".***

Please do not hesitate to contact the undersigned should you have any questions regarding this process.

Sincerely,



Joe Barry  
Corporate Secretary

td  
Enclosures

pc: Natalie Wehner, Manager, Finance Division  
Jim Wakeham, Manager, Facilities & Transit Division



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4237

#### A Bylaw to Amend Transit Service Establishment Bylaw No. 1450

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**WHEREAS** the Board of the Cowichan Valley Regional District established the *Cowichan Valley Regional Transit System* under the provisions of Bylaw No. 1450, cited as "CVRD Bylaw No. 1450 - Transit Service Establishment Bylaw, 1993";

**AND WHEREAS** the Board deems it desirable to add the Town of Ladysmith as a Commuter Transit Service participating area; change the apportionment of costs for the Commuter Transit Service to assessment based; remove out of date apportionment calculations; and to update the language in the whereas clauses;

**AND WHEREAS**, pursuant to Section 349 of the *Local Government Act*, consent for adoption of this bylaw has been received from at least 2/3 of the participants;

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

#### 1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 4237 – Transit Service Amendment Bylaw, 2018".

#### 2. AMENDMENTS

1. The five WHEREAS clauses are hereby deleted and replaced with the following:

WHEREAS pursuant to Sections 332 and 338 of the *Local Government Act*, a Regional District may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish and operate a transit service and a commuter transit service;

2. Section 6 of Bylaw No. 1450 is hereby deleted and replaced with the following:

6. The annual cost of providing the service established under Section 2 shall be recovered by:
  - a) Property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area.
  - b) Revenues raised by other means authorized by the *Local Government Act*, or any other *Act*.

3. Section 7 of Bylaw No. 1450 is hereby deleted and replaced with the following:

7. A Commuter Transit Service is hereby established between the Cowichan Valley Regional District and the Greater Victoria metropolitan area in partnership with the Victoria Regional Transit System and BC Transit and with City of Duncan, Town of Ladysmith, Town of Lake Cowichan, District of North Cowichan, and Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, D – Cowichan Bay, E – Cowichan Station/Sahtlam/Glenora, F – Cowichan Lake South/Skutz Falls, and I – Youbou/Meade Creek as participating areas.

4. Section 8 of Bylaw No. 1450 is hereby deleted and replaced with the following:

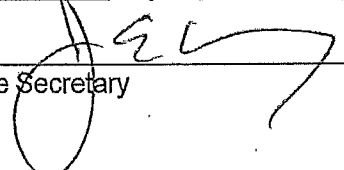
8. The annual cost of providing the service established under Section 7 shall be recovered by:  
a) Property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area.  
b) Revenues raised by other means authorized by the *Local Government Act*, or any other Act.

READ A FIRST TIME this 10<sup>th</sup> day of October 2018.

READ A SECOND TIME this 10<sup>th</sup> day of October 2018.

READ A THIRD TIME this 10<sup>th</sup> day of October 2018.

I hereby certify this to be a true and correct copy of Bylaw No. 4237 as given Third Reading on the 10<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Corporate Secretary

OCTOBER 12, 2018  
\_\_\_\_\_  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 1450

(As Amended by Bylaw Nos. 1627, 1677, 1856, 2065, 2152, 2305, 2752, 3192, 3670, 3882 and 4035)

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#### CVRD BYLAW NO. 1450 –TRANSIT SERVICE ESTABLISHMENT BYLAW, 1993

CONSOLIDATED FOR CONVENIENCE ONLY  
(DECEMBER 21, 2016)

The amendment bylaws listed below have been incorporated into enactment bylaw No. 1450 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 1450 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaws must be consulted. Certified copies of original bylaws are available through the Corporate Secretary's Office.

#### AMENDMENT BYLAW

#### EFFECTIVE DATE

Bylaw No. 1627	November 9, 1994
Bylaw No. 1677	April 12, 1995
Bylaw No. 1856	February 25, 1998
Bylaw No. 2065	March 22, 2000
Bylaw No. 2152	January 24, 2001
Bylaw No. 2305	March 27, 2002
Bylaw No. 2752	March 8, 2006
Bylaw No. 3192	September 30, 2008
Bylaw No. 3670	May 8, 2013
Bylaw No. 3882	February 11, 2015
Bylaw No. 4035	December 14, 2016



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 1450 - Consolidated for Convenience with  
Amending Bylaw Nos. 1627, 1677, 1856, 2065, 2152, 2305, 2752,  
3192, 3670, 3882 and 4035**

**A Bylaw To Establish A Transit Service Within The  
Cowichan Valley Regional District**

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**WHEREAS** the Regional District may, pursuant to the new Part 24 of the "Municipal Act", establish and operate such services as may be authorized by the Lieutenant Governor in Council;

**AND WHEREAS**, pursuant to Section 790 of the "Municipal Act" the Cowichan Valley Regional District has been granted the authority, by B.C. Regulation No. 287/91, to establish and operate a Transit Service within the Cowichan Valley Regional District;

**AND WHEREAS** the Board of Directors of the Cowichan Valley Regional District deems it desirable and expedient to establish and operate a Transit Service with the City of Duncan, Village of Lake Cowichan and Electoral Areas A, C, F and I as participating areas;

**AND WHEREAS** Section 8(2) and (6) of the "British Columbia Transit Act" authorizes the Cowichan Valley Regional District to establish a public transportation service and to enter into agreements for the purpose of that Act, without the assent of the electors;

**AND WHEREAS** Section II of the "*British Columbia Transit Act*" authorizes the Cowichan Valley Regional District to levy a tax sufficient to meet the annual cost to provide transit service to the participating areas;

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

1. This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 1450 - Transit Service Establishment Bylaw, 1993**".
2. A Transit Service is hereby established within the Cowichan Valley Regional District with the City of Duncan, Town of Ladysmith, Town of Lake Cowichan, District of North Cowichan, and Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, D – Cowichan Bay, E – Cowichan Station/Sahtlam/Glenora, F – Cowichan Lake South/Skutz Falls, and I – Youbou/Meade Creek as participating areas.
3. The Cowichan Valley Regional District may undertake and carry out, or cause to be carried out, provision of a Transit Service in and for the CVRD Transit Service Area and do all things necessary or convenient in connection therewith, including, without limiting the generality of the foregoing, equipping and operating such facilities and equipment as may be considered necessary for the purpose of providing Transit Service.
4. The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$3,450,043 or an amount that equal to the amount that could be raised by a property value tax of \$0.28584 per \$1,000 of net taxable value of land and improvements within the service area.

5. The annual costs for the service established under Section 2 of this Bylaw shall be recovered by:
- a) the requisition of money to be collected by a property value tax to be levied and collected on the net taxable value of land and improvements for hospital purposes within the service area.
  - b) the imposition of fees transit fares that may be fixed from time to time for the purpose of recovering these costs.
6. The annual costs of providing the service established under Section 2 shall be apportioned in the following manner:

- a) In year 2015, one third (1/3) of the annual costs shall be recovered from property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area and two thirds (2/3) of the annual costs shall be apportioned among the participating areas on the basis of:

City of Duncan	7.26%
Town of Ladysmith	9.72%
Town of Lake Cowichan	5.42%
District of North Cowichan	29.05%
Electoral Area A – Mill Bay/Malahat	7.43%
Electoral Area B – Shawnigan Lake	10.88%
Electoral Area C – Cobble Hill	7.64%
Electoral Area D – Cowichan Bay	5.87%
Electoral Area E – Cowichan Station/Sahtlam/Glenora	6.48%
Electoral Area F – Cowichan Lake South/Skutz Falls	5.26%
Electoral Area I – Youbou/Meade Creek	<u>4.99%</u>
	100%

- b) In year 2016, two thirds (2/3) of the annual costs shall be recovered from property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area and one third (1/3) of the annual costs shall be apportioned among the participating areas on the basis of:

City of Duncan	7.26%
Town of Ladysmith	9.72%
Town of Lake Cowichan	5.42%
District of North Cowichan	29.05%
Electoral Area A – Mill Bay/Malahat	7.43%
Electoral Area B – Shawnigan Lake	10.88%
Electoral Area C – Cobble Hill	7.64%
Electoral Area D – Cowichan Bay	5.87%
Electoral Area E – Cowichan Station/Sahtlam/Glenora	6.48%
Electoral Area F – Cowichan Lake South/Skutz Falls	5.26%
Electoral Area I – Youbou/Meade Creek	<u>4.99%</u>
	100%

- c) In year 2017 and future years, the annual cost of providing this service shall be recovered by property value taxes requisitioned and collected on the basis of the converted value of land and improvements within the service area;





RECEIVED OCT 11 2018

October 4, 2018

Mayor and Council  
Town of Lake Cowichan  
PO Box 860  
Lake Cowichan BC V0R 2G0

Dear Mayor and Council:

The Province will be able to issue licences for the retail sale of non-medical cannabis on or after October 17, 2018, and we are currently in the process of assessing the applications that have been submitted to us.

Our consultations with local governments indicated you wanted to ensure that the needs of your communities were considered as part of the licensing process. We would like to take this opportunity to explain the important role local governments have in cannabis licensing.

It will be up to each municipality to determine if and where non-medical cannabis can be sold, and whether it is sold in private or government stores, or a mixture of both.

Once an application is received by the provincial government and it is deemed to contain the required information, the Province will notify the respective local government of the area where the proposed store is located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the Province cannot issue a licence unless the local government gives a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence.

If the local government makes a recommendation to deny the application then the Province may not issue the licence, and if a recommendation in favour of the application is made, then the Province has discretion whether or not to issue the licence, but must consider the local government's recommendation in the decision whether to issue a licence.

.../2

Ministry of  
Attorney General

Office of the  
Attorney General

Mailing Address:  
PO Box 9044 Stn Prov Gov't  
Victoria BC V8W 9E2  
email: AG.Minister@gov.bc.ca  
website: www.gov.bc.ca/ag

Telephone: 250 387-1866  
Facsimile: 250 387-6411



Mayor and Council  
Page 2

The Province will notify local governments about applications in the order that they are confirmed as complete. This ensures that you will have all the information you need to begin your process of making a recommendation.

We would also like to remind local governments that they may delegate the recommendation decision to staff.

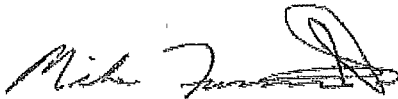
We invite you to review the enclosed Local Government's Role in Licensing Cannabis Retail Stores for detailed information that will help you navigate the recommendation process. If after reviewing this information you have any questions, please email [Cannabis.Licensing@gov.bc.ca](mailto:Cannabis.Licensing@gov.bc.ca).

Thank you for your consideration in this important new process.

Yours truly,



David Eby, QC  
Attorney General



Mike Farnworth  
Minister of Public Safety  
and Solicitor General

Enclosure

pc: Chief Administrative Officer



## Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca). NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available. (Last updated 28 September, 2018)

### Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

### The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
  - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents
  - if it makes a recommendation to deny the application then the LCRB may not issue the licence
  - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

### **Gathering residents' views**

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

### **What must the local government's recommendation include?**

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

### **What if the local government does not want to provide a recommendation?**

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

## **What if the recommendation does not meet the regulatory requirements?**

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

## **How long does the local government have to provide comments?**

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

## **Can the local government recommend approval subject to certain conditions?**

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

## **Floor Plans**

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

## **A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB**

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

**Council as defined in the Vancouver Charter:**

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

**Right of reconsideration:**

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

**How local governments inform the LCRB of delegation:**

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at [Cannabis.Licensing@gov.bc.ca](mailto:Cannabis.Licensing@gov.bc.ca).

Revised  
September  
2018



RECEIVED OCT 09 2018

OCT 02 2018

His Worship  
Mayor Ross Forrest  
Town of Lake Cowichan  
39 South Shore Road  
Lake Cowichan BC V0R 2G0

Reference: 279876

Dear Mayor Forrest,

**Re: Thank you for meeting at UBCM 2018**

Thank you for taking the time to meet with me at the recent Union of British Columbia Municipalities (UBCM) Convention in Whistler. I was glad to have the opportunity to discuss adding new guide signs to help motorists get to their desired destination, funding for a second bridge crossing for the community, constructing new pedestrian crossings, improving safety related to wildlife collisions and investigating options which could improve safety between Lake Cowichan and Youbou.

The yearly UBCM gathering is a pivotal opportunity for us to come together with local leaders and look at how we can foster positive partnerships and innovative solutions to meet the transportation needs of people around the province. I am always impressed by the outstanding level of passion and dedication shown by elected representatives like yourself, who go above and beyond to make a positive impact in their communities.

I know we share the goal of ensuring British Columbians have access to the transportation infrastructure and services they rely on to support economic growth and social development within their communities. By continuing to work together, I am confident we can succeed in delivering the improvements people want and continuing to uphold our commitment to transportation excellence.

I have asked local ministry staff to follow up with your office directly to discuss these topics in more detail.

Please do not hesitate to contact District Manager Michael Pearson directly by telephone at 250 751-3287 or by email at Michael.Pearson@gov.bc.ca if you have any questions or concerns in the meantime, as he would be pleased to assist you.

.../2

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Ministry of Transportation  
and Infrastructure

Office of the Minister

Mailing Address:  
Parliament Buildings  
Victoria BC V8V 1X4

Thank you again for taking the time to meet with me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Claire Trevena', with a long horizontal flourish extending to the right.

Claire Trevena  
Minister

- Copy to:      Grant Main, Deputy Minister
- Kevin Richter, Assistant Deputy Minister  
                  Highways Department
- Michael Pearson, District Manager  
                  Vancouver Island District



## TOWN OF LAKE COWICHAN

Minutes of Finance & Administration Committee  
Tuesday, October 9th, 2018

PRESENT: Councillor Tim McGonigle  
Mayor Ross Forrest  
Councillor Carlyne Austin  
Councillor Bob Day

ABSENT: Councillor Vomacka  
With prior approval

STAFF: Joseph A. Fernandez, Chief Administrative Officer  
Ronnie Gill, Director of Finance  
Jill Walters, Recording Secretary

PUBLIC: 3

1. **CALL TO ORDER**

The Chair called the meeting to order at 5:35 p.m.

2. **AGENDA**

No. FA.0062/18

Moved: Councillor Day

Seconded: Mayor Forrest

that the agenda be approved with the following deletions:

**Reports:**

Items (c) and (d) are to be removed from the agenda.

CARRIED.

3. **BUSINESS ARISING AND UNFINISHED BUSINESS**  
**Ongoing Items Still Being Addressed:**

(a) The Chief Administrative Officer reported that Phase one of the Town hall renovations will involve the cladding of the building and upgrades to the roof and internal improvements. Phase two will involve construction of the new council chambers. It is uncertain if shoring up the river bank will be part of Phase one or Phase two. In any case the administrative office may have to be relocated at commencement of construction.

(b) The Chief Administrative Officer reported there are some outstanding issues with the Columbarium still being addressed with the Province. The Director of Finance reported that 2 or 3 units have been sold.

4. **DELEGATIONS AND REPRESENTATIONS**

Mike Wright, Community Paramedic reported on some upcoming community events. World Heart Day. is on October 18<sup>th</sup>, 2018. He will be hosting an event at Country Grocer. "Let's get Moving" is a weekly exercise program that residents can participate in on a referral from a health care worker.

5. **CORRESPONDENCE**

(a) None.

6. **REPORTS**

(a) The Financial Report for the period ending September 30th, 2018 was treated as information.

(b) The Building Inspector's Service Report for September, 2018 was treated as information.

No. FA.0063/18 (c) Moved: Councillor Austin  
Seconded: Councillor Day



that the committee approve passage of the Permissive Tax Exemption for the Royal Canadian Legion 210 for another five-year term commencing in 2019.

CARRIED.

No. FA.0064/18 (d) Moved: Councillor Day  
Seconded: Councillor Austin  
that it be recommended that rate increases of a minimum of 3% for water and sewer charges and 2% for garbage fees be recommended for 2019 and 2020.

CARRIED.

**7. NEW BUSINESS**

No. FA.0065/18 (a) Motioned: Councillor Day  
Seconded: Mayor Forrest  
that the committee approve execution of a Memorandum of Understanding between Cowichan Valley Regional District and The Town of Lake Cowichan regarding Meade Creek Recycling Centre Site Access and Storage.

CARRIED.

Councillor Austin excused herself from the meeting on a possible conflict of interest on the next agenda item and left the council chambers.

No. FA.0066/18 (b) Motioned: Councillor Day  
Seconded: Mayor Forrest  
that the committee recommend approval of a \$2000.00 grant for the 75<sup>th</sup> Birthday Celebration to the of the new "not for profit" society tasked with the celebration of the event.

CARRIED.

Councillor Austin returned to the meeting.

**8. NOTICES OF MOTION**

None.

**9. PUBLIC RELATIONS ITEMS**

None.

**10. MEDIA/PUBLIC QUESTION PERIOD**

**11. ADJOURNMENT**

No. FA.0067/18 Moved: Councillor Austin  
Adjournment Seconded: Councillor Mayor Forrest  
that we adjourn (6:50 p.m.).

CARRIED.

Certified correct \_\_\_\_\_

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair



TOWN OF LAKE COWICHAN  
Minutes of Public Works and Environmental Services Committee  
Tuesday, October 2nd, 2018

PRESENT: Councillor Carolyne Austin, Chair  
Mayor Ross Forrest  
Councillor Lorna Vomacka  
Councillor Day  
Councillor McGonigle

STAFF: Joseph A. Fernandez, Chief Administrative Officer  
Ronnie Gill Director of Finance  
Jill Walters, Recording Secretary

PUBLIC: 2

1. **CALL TO ORDER**

The Chair called the meeting to order at 5:01 p.m.

2. **AGENDA**

No. PW.028/18  
Agenda

Moved: Councillor Vomacka  
Seconded: Councillor McGonigle  
that the agenda be approved as presented.

CARRIED.

3. **BUSINESS ARISING AND UNFINISHED BUSINESS**

(a)

(i)

A meeting has been scheduled with Associated Engineering to discuss the contract requirements for the Greendale Trestle Watermain. The Ohtaki Trestle Watermain project is to be retendered.

(ii) The logistics and language regarding signage for the public washrooms is being addressed.

(b)

The Chief Administrative Officer reported that he has been in contact with Island Health regarding the delays and what the cause of the delays was for the completion of the water treatment plant.

(c) **Ongoing Items Still Being Addressed:**

(i)

The Chief Administrative Officer reported that the work on the boat ramp has been completed. Further improvements to the walkway and the parking lot will need to be considered for the next year.

(ii)

The Chief Administrative Officer reported BC Aquifer and Western Water have determined that sufficient water is being pumped and it would meet the requirements of the CLEC facility. The next steps will have to be determined when the report is submitted.

(iii)

Door to door garbage service could start at Grossleg Way following the completion of the private road loop. There would need to be changes made to the garbage services bylaw.

4. **DELEGATIONS**

None.

5. **CORRESPONDENCE**

(a)

A discussion was had on the letter from Negin Tousi, EIT and Trevor Dykstra, P. Rng, WSP regarding the effluent discharge and precipitation.

**6. REPORTS**

None.

**7. NEW BUSINESS**

None.

**8. NOTICES OF MOTION**

None.

**9. PUBLIC RELATIONS ITEMS**

- (a) The Kasapi building is slated for demolition this week. The building at 182 Neva Road will also be removed in the following days.

**10. MEDIA/PUBLIC QUESTION PERIOD.**

**11. ADJOURNMENT**

No. PW.029/18  
Adjournment

Moved: Councillor Vomacka  
Seconded: Councillor Day  
that this meeting be adjourned. (5:25 p.m.)

CARRIED.

Certified correct \_\_\_\_\_.

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair



**TOWN OF LAKE COWICHAN**  
Minutes of Parks, Recreation and Culture Committee  
Tuesday, October 2nd, 2018

**PRESENT:** Councillor Lorna Vomacka, Chair  
Mayor Ross Forrest  
Councillor Carolyne Austin  
Councillor Day  
Councillor McGonigle

**STAFF:** Joseph A. Fernandez, Chief Administrative Officer  
Ronnie Gill, Director of Finance  
Jill Walters, Recording Secretary

**PUBLIC:** 9

**1. CALL TO ORDER**

The Chair called the meeting to order at 5:43 p.m.

**2. AGENDA**

Moved: Councillor Austin

No. PR.0031/18

Seconded: Councillor Day

that the agenda be approved with the following additions under:

**Business Arising**

(iv) Hockey Box at Stone Avenue Park.

CARRIED.

**3.(a) BUSINESS ARISING AND UNFINISHED BUSINESS**

(i) The matter of the Town's 75<sup>th</sup> Birthday Celebration is to be discussed when the delegation makes its presentation..

(ii) The QEP has not been contacted to look at the river access at Prospect.

(iii) No update on disc golf proposal.

(iv) Councillor McGonigle requested that the Hockey Box at Stone Park be considered for improvements. Staff will look into the matter.

**(b) Ongoing Items:**

(i) A discussion was had on the River Front Walkway and Trail Connections.

(ii) There was no update on the Single Track Trail along the South Shore of the lake.

**4. DELEGATIONS AND REPRESENTATIONS**

Lake Cowichan 75<sup>th</sup> Anniversary Committee made a funding request. This will be discussed at the next finance and administration.

**5. CORRESPONDENCE**

(a) Councillor McGonigle excused himself from the meeting due to a conflict of interest at 6:05 on the correspondence item. Letter from Kelly Bergstrom, Lake Cowichan and District Minor Baseball Association requesting various items needed for the 2019 baseball season was discussed. Staff will meet with the writer to go over the items. Councillor McGonigle returned to the meeting at 6:17 pm.

- (b) A written request from Kim Hartshorn re: Memorial Sign for Kate Frost. Staff will respond to Ms. Hartshorn on the choice of the name for the park and the signage.

**6. REPORTS**

None.

**7. NEW BUSINESS**

None.

**8. NOTICES OF MOTION**

None.

**9. PUBLIC RELATIONS ITEMS**

- (a) A meet and greet event will be held for the Candidates at the Riverside Inn on October 3<sup>rd</sup>, 2018 2:00-6:00 pm
- (b) Councillor McGonigle's band will be playing at the Riverside Inn on October 20<sup>th</sup>, 2018.

**10. MEDIA/PUBLIC QUESTION PERIOD**

**11. ADJOURNMENT**

No. PR.0032/18  
Adjournment

Moved: Councillor Austin  
Seconded: Councillor McGonigle  
that the meeting be adjourned. (6:27 p.m.)

CARRIED.

Certified correct \_\_\_\_\_

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair



**TOWN OF LAKE COWICHAN**

Minutes of Economic and Sustainable Development Committee

Tuesday, October 9th, 2018

**PRESENT:** Councillor Bob Day  
Mayor Ross Forrest  
Councillor Tim McGonigle  
Councillor Carlyne Austin

**ABSENT:** Councillor Vomacka  
*With prior approval*  
**STAFF:** Joseph A. Fernandez, Chief Administrative Officer  
Ronnie Gill, Director of Finance  
Jill Walters, Recording Secretary

**PUBLIC:** 3

No. SPD.0021/18

**1. CALL TO ORDER**

The Chair called the meeting to order at 5:00 p.m.

**2. AGENDA**

Moved: Councillor Austin

Seconded: Councillor McGonigle

that the agenda be approved with the following additions.

**Business Arising and Unfinished Business:**

(ii) Cycle Cross update.

CARRIED.

**3. BUSINESS ARISING AND UNFINISHED BUSINESS**

**(a) Recent Items:**

**(i)** A discussion was had on the subject of Attainable Housing. The upcoming referendum question on attainable housing will ascertain public opinion on the issue.

**(b) Ongoing Items Still Being Addressed:**

**(i)** The Director of Finance attended the recent meeting of the Sustainable Waste and Composting committee focused on outreach and engaging the public.

**(ii)** The Cycle Cross event is taking place October 28<sup>th</sup>, 2018.

**4. DELEGATIONS AND REPRESENTATIONS**

None.

**5. CORRESPONDENCE**

None.

**6. STAFF REPORTS**

None.

**7. NEW BUSINESS**

**(a)** Cathy Robertson, Community Futures, Anne Stevenson of Associated Engineering and the Lake Cowichan First Nations are working together on the single-track trail plan along the lake.

**8. NOTICES OF MOTION**

None.

**9. PUBLIC RELATIONS ITEMS**

**(a)** The Ohtaki delegation is here October 10<sup>th</sup>-14<sup>th</sup>, 2018.

**10. MEDIA/PUBLIC QUESTION PERIOD**

**11. ADJOURNMENT**

No. SPD.0022/18  
Adjournment

Moved: Councillor McGonigle  
Seconded: Mayor Forrest  
that the meeting adjourns. (5:18 p.m.).

CARRIED.

Certified correct \_\_\_\_\_.

Confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair

**TOWN OF LAKE COWICHAN****Bylaw No. 1009-2018****A Bylaw to Amend Subdivision, Works and Services Bylaw No. 974-2016**

**WHEREAS** the Local Government Act Land Title Act, and Strata Property Act authorize a local government to enact bylaws for the subdivision, provision of services, and development of the Town of Lake Cowichan;

**AND WHEREAS** the Council of the Town of Lake Cowichan deems it prudent to modify the Subdivision, Works and Services Bylaw to increase flexibility in subdivision designs;

**AND WHEREAS** the passage of this bylaw has met all of the requirements pursuant to the Local Government Act;

**NOW THEREFORE** the Council of the Town of Lake Cowichan in open meeting assembled enacts the following:

**1. TITLE**

This bylaw may be cited for all purposes as the "Town of Lake Cowichan Subdivision, Works and Services Amendment Bylaw No.1009-2018".

**2. AMENDMENTS**

1) Subsection 6.1 (a) in Section 6 Subdivision Design and Arrangement is amended with the addition of the R-1-B Zone District which shall be regulated with an average of 12 meters Minimum Lot Frontage in any created subdivision.

2) Subsection 6 (b) i. is deleted and replaced with the following:

*May be reduced to not less than 12 metres, except for not less than 9 metres for lots in the R-1-B Zone District, where the lot is on the outside of the curve or where the lot side lines diverge from the front to the rear, provided the minimum width at the required front building line is not less than 15 metres, except for not less than 12 metres for lots in the R-1-B Zone District.*

3) Subsection 6 (b) ii is deleted and replaced with the following:

*Shall be increased where the lot is on the inside of the curve or where the lot side lines converge from the front to the rear, to ensure that the minimum width at the required rear building line is not less than 18 metres, except for not less than 12 metres for lots in the R-1-B Zone District.*

4) A new Subsection 6.10 is inserted and reads as follows:

Notwithstanding the standards in Subsection 6.7 and 6.8, the Approving Officer may approve reasonable variances to those standards.

**3. FORCE AND EFFECT**

That upon adoption of this bylaw, the "Town of Lake Cowichan Subdivision, Works and Services Bylaw No. 974-2016" shall hereby be amended and take effect.

READ A FIRST TIME on the 25<sup>th</sup> day of September, 2018.

READ A SECOND TIME on the on the 25<sup>th</sup> day of September, 2018.

READ A THIRD TIME on the on the 25<sup>th</sup> day of September, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ross Forrest  
Mayor

\_\_\_\_\_  
Joseph A. Fernandez  
Corporate Officer



**TOWN OF LAKE COWICHAN**

**Council Remuneration and Expenses**

**Bylaw No. 1010-2018**

**WHEREAS** Section 12 of the *Community Charter* authorizes the Council to establish any terms and conditions it considers appropriate;

**AND WHEREAS** Council considers appropriate the establishment of remuneration and expenses for the members of Council in their exercise of duties on behalf of Council;

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

1. This Bylaw may be cited as "Town of Lake Cowichan Council Remuneration and Expense Bylaw No. 1010-2018".
2. In this Bylaw "Municipality" means the Town of Lake Cowichan.
3.
  - (a) There shall be paid out of annual revenues an annual remuneration to Council members for the discharge of the duties of office as provided for in Schedule "A" attached to and forming part of this bylaw;
  - (b) Payment of the annual remuneration set out in Schedule "A" shall be paid in twenty-six (26) payments to equal the annual remuneration payable and is to be commensurate with actual time served in office;
  - (c) One third of the remuneration paid pursuant to Section 3 (a) and (b) for 2018 only shall be paid as an allowance for expenses incidental to the Council members' discharge of the duties of office; and
  - (d) Notwithstanding the foregoing, a financial penalty equal to 2 remuneration payments shall be deducted from his or her remuneration each time a member misses 3 meetings in a 3 month period, without council approval. Absences from meetings at which a council member is a council representative will count for purposes of determining meetings missed.
4. The Council approves attendance by its members at any of the following:
  - (a) the annual Union of British Columbia Municipalities (U.B.C.M) Convention;
  - (b) the annual Association of Vancouver Island and Coastal Communities (A.V.I.C.C.) Convention;
  - (c) meetings within or without the boundaries of the Municipality to which members have been duly appointed as representatives by the Mayor or Council;
  - (d) meetings or business required in the conduct of the duties of the office of the Mayor; or
  - (e) any other Municipal business, meeting, course or convention approved by resolution of Council.
5. Each member is reimbursed:
  - (a) when representing the Municipality beyond the municipal boundaries and for that each member may receive reimbursement of actual expenses incurred for attendance at meetings or functions within the Municipality;



- (b) when each member of Council delivers to the Chief Administrative Officer evidence of expenditures incurred by the Council member.
6. The following expenditures qualify for reimbursement:
- (a) actual accommodation expense accompanied by receipts or private accommodation expense of Twenty-five Dollars (\$25) may be made without receipts for each night spent away from the municipality;
  - (b) transportation expense including airfare and car rentals; or mileage expense as per Section 8 for the use of own vehicle by a Council member and such member is encouraged to use other means of public transportation where feasible if the cost of such travel is less than the mileage expense;
  - (c) mileage distances between the travel destinations shall be as calculated by Google Map and where ferry travel is part of the trip, mileage will be accordingly adjusted;
  - (d) registration and membership fees;
  - (e) long distance telephone and fax charges for calls involving municipal business;
  - (f) parking charges and laundry expenses with the latter only applicable where overnight stay is required;
7. (a) In addition to the remuneration and expenses paid in Section 3 and 5, a meal allowance will be paid to Council members while attending a meeting, or while on a course or attending a convention away from the municipality as follows:
- |           | <u>In BC, except Vancouver</u> | <u>Vancouver/outside BC</u> |
|-----------|--------------------------------|-----------------------------|
| Breakfast | \$12.00                        | \$15.00                     |
| Lunch     | 23.00                          | 27.00                       |
| Dinner    | <u>35.00</u>                   | <u>43.00</u>                |
|           | <u>\$70.00</u>                 | <u>\$85.00</u>              |
- (b) notwithstanding the foregoing, the per diem will be adjusted for any meals provided as part of a meeting or conference or course; and
  - (c) where a partner accompanies the member of Council and where overnight stay is required, an additional per diem of \$25.00 is payable for each night away.
8. (a) The level at which a Council member may be reimbursed for use of own vehicle is at mileage rates as allowed by the Canada Revenue Agency.
- (b) The level at which a Council member may be reimbursed is the total amount of expenditures incurred under Sections 6 and 7.
- (c) However, where an overnight stay is required a claim of up to \$5.00 per day may be made without receipts for incidental expenses listed under both Section 6(d) and Section 6(e).
9. (a) The Town of Lake Cowichan is hereby authorized to enter into agreements for benefits for Council members and their dependents.
- (b) Participation in any or all of the benefit plans shall be at the member's option.



- (c) Council members may be provided extended health benefits through the current benefit provider (UBCM) at the levels provided by the benefit provider with 100% of the cost to be paid by the employer. Any dependent coverage would have to be wholly paid by the council member.
  - (d) Accident Insurance and weekly indemnity coverages shall be extended to all Council members while engaged on municipal business, and the costs of such coverage shall be borne by the Town of Lake Cowichan.
  - (e) Reimbursements for telecommunication expenses that are used for conducting the business matters on behalf of the Town of Lake Cowichan will be reimbursed at a rate of 75% of the monthly statement up to but not exceeding a maximum amount of \$30 per month.
  - (f) The Mayor will be provided with a smart phone in accordance with existing policy.
  - (g) Each member of council will be provided a tablet so that agendas and e-mails may be directed to individual tablets for the conduct of council business.
  - (i) Members of Council reimbursed for personal internet charges/usage will be required to provide copies of monthly invoices from time to time when such are requested.
11. That upon adoption of this bylaw, the "*Town of Lake Cowichan Council Remuneration and Expense Bylaw No. 949-2014*" is hereby repealed.

READ A FIRST TIME on the 25<sup>th</sup> day of September, 2018.

READ A SECOND TIME the 25<sup>th</sup> day of September, 2018.

READ A THIRD TIME the 25<sup>th</sup> day of September, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
 Ross Forrest  
 Mayor

\_\_\_\_\_  
 Joseph A. Fernandez  
 Corporate Officer



**A. REMUNERATION AND INCIDENTAL EXPENSES FROM NOVEMBER 1, 2018 TO DECEMBER 31, 2018**

REMUNERATION TO COUNCIL MEMBERS PAYABLE SHALL BE AS FOLLOWS:

- (a) That the Mayor of the Municipality shall be paid an indemnity of Three Thousand, Five Hundred and Thirty-Seven Dollars (\$3,537.00).
- (b) That each Councillor of the Municipality shall be paid an indemnity of Two Thousand, One Hundred and Thirty-Two Dollars (\$2,122.00).

INCIDENTAL EXPENSES

That one third of the remuneration for the Mayor and Council set out above shall be considered as allowance for expenses incidental to the discharge of the duties of their office for 2018.

**B. REMUNERATION FOR JANUARY 1, 2019 TO DECEMBER 31, 2019**

REMUNERATION TO COUNCIL MEMBERS PAYABLE SHALL BE AS FOLLOWS:

- (a) That the Mayor of the Municipality shall be paid an annual indemnity of Twenty-Three Thousand, Three Hundred and Eighty-Six Dollars (\$23,386.00).
- (b) That each Councillor of the Municipality shall be paid an annual indemnity of Fourteen Thousand and Thirty-Two Dollars (\$14,032.00).

**C. REMUNERATION FOR JANUARY 1, 2020 TO DECEMBER 31, 2020**

REMUNERATION TO COUNCIL MEMBERS PAYABLE SHALL BE AS FOLLOWS:

- (a) That the Mayor of the Municipality shall be paid an annual indemnity of Twenty-Three Thousand Eight Hundred and Fifty-Four Dollars (\$23,854.00).
- (b) That each Councillor of the Municipality shall be paid an annual indemnity of Fourteen Thousand Three Hundred and Twelve Dollars (\$14,312.00).

**D. REMUNERATION FOR JANUARY 1, 2021 TO NOVEMBER 30, 2021**

REMUNERATION TO COUNCIL MEMBERS PAYABLE SHALL BE AS FOLLOWS:

- (a) That the Mayor of the Municipality shall be paid an indemnity of Twenty-Four Thousand Three Hundred and Thirty-One Dollars (\$24,331.00).
- (b) That each Councillor of the Municipality shall be paid an indemnity of Fourteen Thousand Five Hundred and Ninety-Nine Dollars (\$14,599.00).



**E. REMUNERATION FOR JANUARY 1, 2022 TO DECEMBER 31, 2022**

REMUNERATION TO COUNCIL MEMBERS PAYABLE SHALL BE AS FOLLOWS:

- (a) That the Mayor of the Municipality shall be paid an indemnity of Twenty-Four Thousand Eight Hundred and Seventeen Dollars (\$24,817.00).
- (b) That each Councillor of the Municipality shall be paid an indemnity of Fourteen Thousand, Eight Hundred and Ninety-One Dollars (\$14,891.00).



**TOWN OF LAKE COWICHAN**

**BYLAW NO. 1011-2018**

**WHEREAS** Section 224 of the Community Charter permits Council, by by-law, to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings;

**AND WHEREAS** such exemptions may be granted to properties for Not-for-Profit occupiers which meet the following requirement:

224(2)(i) land or improvements owned or held by an athletic or service club or association and used as a public park or recreation ground or for public athletic or recreational purposes;

**AND WHEREAS** the Town of Lake Cowichan deems it expedient and useful to exempt a portion of the land and improvements of the property described below from taxation;

**NOW THEREFORE** the Council of the Town of Lake Cowichan in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as "Town of Lake Cowichan Permissive Exemption from Taxation for the Royal Canadian Legion Lake Cowichan Branch 210 Bylaw No. 1011-2018".
2. The property described as:  
  
Roll No. 822.010  
Lot A, Section 6, Cowichan Lake Land District, Plan 41641, Except Plan VIP75411  
PID # 000-739-553  
  
is hereby exempted from taxation on its Recreation/Not-for-Profit Class 8 Component of its land and improvement assessments for the calendar years 2019 to 2023, inclusive.
3. That upon adoption of this bylaw prior to October 31 the land and improvements on the property described in Section 2 shall be effectively exempted from taxation for the Recreation/Not-for-Profit Class 8 portion of the assessment for the period as provided for in this bylaw.

READ A FIRST TIME on the \_\_\_\_\_ day of October, 2018.

READ A SECOND TIME on the \_\_\_\_\_ day of October, 2018.

READ A THIRD TIME on the \_\_\_\_\_ day of October, 2018.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_\_\_ day of October, 2018.

\_\_\_\_\_  
Ross Forrest  
Mayor

\_\_\_\_\_  
Joseph A. Fernandez  
Corporate Officer

**THE TOWN OF LAKE COWICHAN**

**BYLAW NO. 1012-2018**

**A BYLAW TO ESTABLISH A SCHEME FOR INTER-COMMUNITY LICENCING  
AND REGULATING OF TRADES, OCCUPATIONS AND BUSINESSES.**

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**WHEREAS** Council may, pursuant to Section 8(6) of the *Community Charter*, regulate in relation to business;

**AND WHEREAS** pursuant to Section 14 of the *Community Charter*, two or more municipalities may, by bylaw adopted by the Council of each participating municipality, establish an inter-community scheme in relation to one or more matters;

**AND WHEREAS** pursuant to Section 15(1) of the *Community Charter*, Council may provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

**AND WHEREAS** Council has given notice of its intention to adopt this bylaw by publishing such notice in two consecutive issues of a newspaper, the last publication appearing not less than three (3) and not more than ten (10) days before the hearing and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council at a hearing pursuant to Section 59 of the *Community Charter*.

**NOW THEREFORE** the Council of The Town of Lake Cowichan in open meeting assembled hereby enacts as follows:

**1. CITATION**

This bylaw may be cited as "Town of Lake Cowichan Inter-Community Business Licence Bylaw No. 1012-2018".

**2. DEFINITIONS**

In this bylaw, unless the context otherwise requires,

**"BUSINESS"** has the meaning as defined by the *Community Charter Schedule – Definitions and Rules of Interpretation*.

**"EXCLUDED BUSINESS"** means a Business excluded from application for an Inter-Community Business Licence and includes those Businesses referred to in *Schedule A* attached hereto and forming part of this bylaw.

**"INTER-COMMUNITY BUSINESS"** means a Business that performs a service or activity within more than one Participating Municipality by moving from client to client rather than having clients come to them. This includes but is not limited to trades, plumbers, electricians, cleaning services, pest control or other similar businesses. This does not include fruit stands, flea markets, trade shows or other similar businesses.

**"INTER-COMMUNITY BUSINESS LICENCE"** means a business licence which authorizes Inter-Community Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with this Bylaw and will be in addition to a Municipal Business Licence.



**"MUNICIPAL BUSINESS LICENCE"** means a licence or permit, other than an Inter-Community Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality.

**"PARTICIPATING MUNICIPALITY"** means the following local governments that have adopted the Inter-Community Business Licence Bylaw and any other municipalities that adopt this bylaw at a later date:

- City of Campbell River
- City of Courtenay
- City of Duncan
- City of Nanaimo
- City of Parksville
- City of Port Alberni
- District of North Cowichan
- District of Lantzville
- Town of Comox
- Town of Lake Cowichan
- Town of Ladysmith
- Town of Qualicum Beach
- Village of Cumberland
- Corp. of the District of Saanich
- Corp. of the District of Esquimalt

**"PERSON"** has the meaning ascribed to it by the Interpretation Act.

**"PREMISE"** means a fixed or permanent location where the applicant ordinarily carries on Business.

**"PRINCIPAL MUNICIPALITY"** means the Participating Municipality where a Business is physically located, or has a Premise, or, where the licensee does not maintain a Premise in any of the Participating Municipalities, the municipality that issues the Inter-Community Business Licence.

### **3. REGULATIONS**

- (a) Subject to Section (c) and (e), a person who has obtained an Inter-Community Business Licence may carry on business within a Participating Municipality for the term authorized by the Inter-Community Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
- (b) A Participating Municipality may issue an Inter-Community Business Licence to an applicant for an Inter-Community Business Licence provided the business type is an Inter-Community Business and is not an Excluded Business, the applicant has a valid Municipal Business Licence issued by that Participating Municipality, and the applicant meets the requirements of this Bylaw.
- (c) A person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Municipality in which they are carrying on business.
- (d) A business that operates under an Inter-Community Business Licence in more than one Participating Municipality shall only apply for an Inter-Community Business Licence from the Participating Municipality in which they maintain a Premise.
- (e) Notwithstanding the issuance of an Inter Municipal Business Licence, every person who carries on, maintains, owns or operates, within a Participating Municipality, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office,





place, premise or store shall obtain a separate Municipal Business Licence for each branch, office, place, premise or store. And further notwithstanding Sections (b), (c), and (d), the Participating Municipalities agree that where an applicant for an Inter-Community Business Licence:

- i. Does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them; or
- ii. Maintains a Premise in more than one of the Participating Municipalities, the applicant must apply at one of the Participating Municipalities where they maintain a Premise.

#### **4. FEES**

- (a) The fee for an Inter-Community Business licence is \$150 and shall be paid in full at the time of application and retained by the Participating Municipality that issues the licence.
- (b) The fee for an Inter-Community Business licence is separate and additional to any Municipal Business Licence fee that may be required.
- (c) The annual Inter-Community Business Licence fees prescribed in this bylaw may be reduced pro-rate in respect of any person who becomes liable to be licenced AFTER the commencement of the licence period, on the same basis as the municipal business licence.

#### **5. APPLICATION**

- (a) Every Inter-Community Business Licence shall be issued on a standard form provided for that purpose, as agreed upon from time to time by the Participating Municipalities and including, as a minimum, the following information:
  - Disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking or thing to be carried on, maintained, owned or operated by the applicant;
  - Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
  - Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
  - Disclosing the number of distinctive lines of goods sold or offered for sale;
  - Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Municipality may require.
- (b) Each Participating Municipality shall provide to all other Participating Municipalities standardized information regarding the Inter-Community Business Licences issued, by way of at least weekly updates on a shared database available to all Participating Municipalities.

#### **6. SUSPENSION OR CANCELLATION OF AN INTER-COMMUNITY BUSINESS LICENCE**

- (a) A Council or Designated Officer or Employee of a participating municipality may exercise the authority of the Principal Municipality in accordance with



Sections 15 and 60 of the *Community Charter* to suspend or cancel an Inter-Community Business Licence. The suspension or cancellation shall be in effect throughout all of the Participating Municipalities and it shall be unlawful for the holder to carry on the Business authorized by the Inter-Community Business Licence in any Participating Municipalities for the period of the suspension or cancellation.

- (b) Before suspending or canceling an Inter-Community Business Licence under Section 6(a), the Participating Municipality must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
- i. If the licence holder wishes to exercise this right, the Participating Municipality shall communicate in writing to the licence holder and Principal Municipality that issued the Inter-Community Business Licence, together with such documentary evidence of the reasons for suspension or cancellation as may be available and the request to be heard. Such Principal Municipality shall then as soon thereafter as reasonably possible provide the Licence Holder an opportunity to address their respective Council who will then consider whether to suspend or cancel the Inter-Community Business Licence.
- ii. If the licence holder does not exercise their right to be heard, the Participating Municipality may suspend or cancel the Inter-Community Business Licence in accordance with Section 6(a).
- (c) Any conduct by a licence holder resulting in a hearing made under Section 6(b)(i) shall be considered by the Council of the Principal Municipality as though it happened within the jurisdiction of the Principal Municipality.
- (d) A decision by a Principal Municipality or Participating Municipality to cancel or suspend an Inter-Community Business Licence under Section 6 (b) shall be honoured by all Participating Municipalities.
- (e) Nothing in this Bylaw impedes the authority of a Participating Municipality to suspend or cancel any business licence issued by that Municipality, or to enact regulations in respect of any class of Business Licence in accordance with Section 15 of the Community Charter and amendments thereto.

## 7. **MISCELLANEOUS**

- (a) A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community Business Licence scheme established by this bylaw.

Notice Must:

- i. Set out the date on which the withdrawing Municipality will no longer recognize the validity within its boundaries of business licences issued pursuant to this Bylaw, which date must be at least six months from the date of the notice; and
- ii. Include a certified copy of the Bylaw authorizing the withdrawal.



- (b) An Inter-Community Business Licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Municipality.

**8. SEVERABILITY**

- (a) If any section, paragraph or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

**9. EFFECTIVE DATE**

- (a) This Bylaw shall come into full force and effect on the first day of January 2019.

READ A FIRST TIME on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

READ A SECOND TIME on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

READ A THIRD TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
 Ross Forrest  
 Mayor

\_\_\_\_\_  
 Joseph A. Fernandez  
 Corporate Officer



## Schedule A

Attached to and forming part of Bylaw No. 1012-2018

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the Inter Community Business Licence Scheme set out in the bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines, or buses)
- Body-rub services (which includes the manipulating, toughing or stimulating by any means, of a Person or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique)
- Cannabis related businesses (a business which involves the sale of cannabis)



**TOWN OF LAKE COWICHAN  
BYLAW NO. 1013-2018**

**A BYLAW TO REGULATE THE TERMS AND CONDITIONS  
UNDER WHICH WATER FROM THE MUNICIPAL  
WATER UTILITY 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 through bylaw provide for the classification of users and prescribe different rates, terms and conditions for the provision of water utility services;

AND WHEREAS the Municipal Council deems it necessary to establish regulations and rates for the use of municipal water;

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 Water Regulations and Rates Bylaw No. 1013-2018".

**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 water is supplied or made available from the waterworks and also any person who is the occupier of any such premises, and also includes any person who is actually a user of water supplied to any premises or by a service from the said waterworks;

**DUPLEX** means a residential building containing two (2) 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;

**OUTSIDE USER** means any consumer located outside the boundaries of the Town of Lake Cowichan;

**PRIVATE HYDRANT** means a fire hydrant required by regulation, but owned and maintained by a private property owner, for use by the Fire Department;



**SINGLE FAMILY UNIT** means a single segregated self-contained residential dwelling used for, or intended for the domestic use of one (1) 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 segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and with each unit sharing at least one (1) 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.

**STAGE** means the Stages 1, 2, and 3 of Water Use Restrictions prescribed by Section 15.6 of this bylaw:

- "Stage 1" water supply conditions shall also be known as Normal;
- "Stage 2" water supply conditions shall also be known as Moderate; and
- "Stage 3" water supply conditions shall also be known as Acute.

**WATER CONNECTION** means the water line extending from the water main to the property line of the property being serviced or about to be serviced;

**WATER MAINS** means any pipes used for the distribution of the waterworks that is under the control of the Town of Lake Cowichan;

**WATER SERVICE** means the supply of water from the waterworks to any person and all the taps, valves, meter, connections and other things necessary to any actual use for the purpose of such supply;

**WATERWORKS** means any water system intended for public use that is under the control of the Town of Lake Cowichan.

### **3. CHARGES TO OWNER**

There shall be charged against the owner of the land or real property where a water or drain connection has been installed to the property and where plumbing is installed on the premises and is connected to the Town water system, water 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 before water service will be provided. The owner by submission of the completed application 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 water 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 independent water services have been installed to the property.

## 6. CHARGES WHEN VACANT

- 6.1 All of the Town is a specified water service area; therefore, the owner of a premises, whether occupied or vacant, to which a service connection has been made, shall be responsible for the payment of all water rates whether the services are actually used or not.
- 6.2 A separate charge will be applicable on each 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 31<sup>st</sup> and payable in advance. The due date for annual billings is March 31<sup>st</sup>. 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 water 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 being supplied metered service through a common connection line and each unit has its own certificate of indefeasible title, the minimum usage charge will apply to each unit.
- 7.5 When a building containing multiple units is being supplied metered service through a common connection line and the entire building is under one title, the minimum usage charge per unit will apply to each 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 31<sup>st</sup> 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 30<sup>th</sup> 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 31<sup>st</sup> will be transferred to taxes as arrears the following year.

**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 water system, the owner of such building shall connect or cause to be connected the said building with the public water system in the manner provided by this bylaw.
- 9.2 It shall be compulsory for any owner whose property is capable of being serviced by municipal water to connect or cause to be connected such building with the public water system.
- 9.3 It shall be compulsory for all new construction to install a water meter as approved by the Town at the owner's cost.
- 9.4 The property owner is responsible for all costs associated with the works required for the installation of a water connection to that property.

**10. CONSTRUCTION RATES**

- 10.1 Where water has been provided by the Town to land upon which a building is being constructed, a construction rate for water shall apply from the date of the building permit until occupancy of the building or six months, whichever occurs first. Regular water billings start at the time of occupancy or six months after the building permit is issued.
- 10.2 Every application for a construction rate shall be made under the hand of the owner of the property to which the water is to be supplied.
- 10.3 The rate shall be the same as the single-family unit rate.





**11. OWNER REFUSES OR NEGLECTS**

Where the owner of any parcel of land in the Town which is required to be connected to the public water system of this bylaw, 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 are to be charges as per provisions of Schedule "A" of this bylaw.

**12. SERVICE PIPES**

12.1 Before any person shall install or construct any water service, or commence doing any construction work in relation to or in connection with such service, he shall notify the Town in writing. If required by the Inspector, he shall furnish a plan and specifications which shall show:

- (a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;
- (b) a description of the material which the applicant proposed to use in connection with such installation or construction.

12.2 The installation of service pipes shall be the responsibility of the property owners but shall conform to specifications approved by the Town.

12.3 The Town shall not be liable for the cost of any work done in connection with any service on private property, nor shall any employee of the Town carry out any work on private property.

12.4 It shall be the duty of every owner to provide that all taps, fittings and other things connected with the service within the premises are in good order and installed and connected in accordance with the provisions of the Building and Plumbing Bylaws.

12.5 Every premise shall have a properly placed stop and waste cock.

12.6 When the owner's service pipe plans and water connection application have been approved, he may proceed with the installation of the service pipes. When the service pipes have been installed, but before the excavation is backfilled, the Town shall be notified that such work is ready for inspection.

12.7 The backfilling of the service pipes shall not be commenced until the Town has signified in writing that it is satisfied that the materials and workmanship employed are to its satisfaction and that the pertinent sections of this and other bylaws have been adhered to.

12.8 The Town shall refuse to turn on water to any premises not complying with Section 12.7.

12.9 (a) In the event of leakage, freezing or other conditions which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the owner. If the owner feels that such conditions are present in the Municipality's connection pipe, the owner shall notify the Town requesting repairs.



- (b) In the event that the Town's connection pipe is faulty and is the cause of the owner's complaint, the Town shall repair such faults. If there is no fault found in the Town's connection pipe, the owner shall be invoiced for all costs of the work. The owner may have the right to inspect the site of the excavation by the Town and satisfy himself as to the condition of the connection pipe.

12.10 Every consumer shall provide for his own service to his premises a pressure reducing valve, also pressure relief valve, if required in accordance with the Plumbing Code.

### **13. WATER METERS**

- 13.1 Each new water connection shall be equipped with a water meter.
- 13.2 Applicants for building permits shall pay the deposit amount outlined in the Town of Lake Cowichan Water Regulations and Rates before the issuance of a building permit to ensure that the water meter is installed in accordance with the Town requirements.
- 13.3 It shall be an offence under this bylaw for anyone to disconnect, remove, tamper with or bypass any water meter.

### **14. REGULATIONS**

- 14.1 No person shall use, destroy, injure or tamper with any hydrant, or other fixture of the waterworks, and no person shall in any manner interfere or meddle with the water connection or waterworks in any street, or make any additions or alterations to the water system or any connection, or turn on or off any corporation stop-cock, service valve or gate valve without express approval of the Town.
- 14.2 No person shall sell or dispose of water from the municipal water system, or give it away to any person or persons whatsoever or permit it to be taken or carried away by any person or persons, whomsoever, or use or supply it to the use or benefit of others where such sale or use exceeds one thousand gallons (1,000 imp. gals.) per day.
- 14.3 No connection or cross connection between the municipal water system and any other water system or source of water supply shall be permitted.
- 14.4 The Town requires that every new consumer of water shall provide the proper valves, fittings and wire as established in the utility requirements of the Town of Lake Cowichan. The consumer is responsible for all costs relating to the installation of this service.
- 14.5 The inspection of premises and the review of engineered plans of new plumbing systems for cross connections is to be conducted by the Town and should meet all required specifications.
- 14.6 The Town may refuse to supply water at any time to any property owner or to any premises otherwise than by metered service.
- 14.7 The Town may establish a schedule by which premises will be converted to metered service.
- 14.8 Sprinkling restrictions may be enforced from time to time by the Town.



- 14.9 No person shall install a swimming pool with a connection to a water service coming from the Town's system, nor shall any below ground sprinklers be installed, or any addition to a water service made that may have cross connection implications, without first installing proper and approved backflow prevention. All such installations must first be approved by the Town after detail and design of the proposed installation has been made, and no work shall proceed without first obtaining such approval.
- 14.10 No person is permitted to connect equipment adapted for use on service pipes or mains for pressure spraying of fertilizer, pesticides or any other materials of a toxic or non-toxic nature unless proper protection for back flow has been installed and approved by the Town.
- 14.11 No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the waterworks, and should any person obstruct such access the Town may remove such obstruction and the expense of such removal shall be charged to and paid by the person so offending, and on nonpayment thereof, on demand, the municipality may recover pursuant to Section 258 of the *Community Charter*.
- 14.12 The employees of the Town shall have free access to all lands and all parts of every building, upon request, and at reasonable time, where water is delivered and consumed.

## **15. ADMINISTRATION**

- 15.1 The Superintendent is hereby authorized and directed to have a general supervision over the municipal waterworks system and to see that the provisions of this bylaw are carried out.
- 15.2 The Town shall have the power to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of this bylaw, and wherever the Superintendent is authorized or directed to perform any act or duty under this bylaw, such act or duty may be performed by an employee authorized by the Town to perform such act or duty.
- 15.3 Nothing contained in this bylaw shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.
- 15.4 The Town shall not be liable for the failure of the water supply in consequence of any accident or damage to the waterworks, or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the municipality or other person whomsoever, or through natural deterioration or obsolescence of the municipality's system or otherwise.
- 15.5 The Town may, without notice, disconnect the water service to any premises for any of the following reasons, and the municipality shall not be liable for damages by reason of discontinuing water service for such reasons:



- (a) unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
  - (b) non-payment of water rates;
  - (c) failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
  - (d) for repairs;
  - (e) for want of supplies;
  - (f) for employing any pump, booster or other device for the purpose of, or having the effect of, increasing water pressure in service lines, without obtaining the approval of the Town;
  - (g) for violation of any of the provisions of this bylaw.
- 15.6 The Town may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used in accordance with restrictions that Council may impose from time to time when the following occur:
- (a) STAGE 1 - When Water Supply Conditions are deemed "Normal" watering restrictions not to exceed 2 hours per scheduled day and as regulated by council shall apply between May 1 and October 31 unless exempted by Permit for newly planted lawns or landscaping;
  - (b) STAGE 2 - When Water Supply Conditions are deemed "Moderate" under Stage 2, a person may:
    - only continue to sprinkle as permitted by council policy;
    - under the authority of an existing Permit issued under Stage 1, continue to water a recently seeded or sodded (un-established) lawn;
    - not apply for a New Permit during Stage 2;
    - not water more than 2 hours per scheduled day;
  - (c) STAGE 3 - When Water Supply Conditions are deemed "Acute", sprinkling is not permitted, and any hand-watering is to be in accordance with restrictions imposed by Council; and includes the proviso that a person shall:
    - not fill a swimming pool or hot tub except to replace evaporated water or water lost from general use of the pool or tub;
    - not use fountains or ponds unless using re-circulated water; and
    - not use water unless specifically permitted by council policy when this stage is declared.

## **16. CONNECTION - DEMOLISHED BUILDINGS**

When a building within the Town is removed or demolished, it shall be the duty of the owner 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 water system,



at the property line. The fee for such disconnection shall be the actual cost of the work as determined by the Town.

**17. RECONNECTION FEES**

If the owner of any property where the water line has been disconnected wishes to reconnect to the public water system, he shall make application upon such forms as prescribed by the Town for the reconnection. He shall pay the estimated cost, with minimum fees being charged pursuant to Schedule "A" of this bylaw. Upon completion of the reconnection, the owner shall be sent a statement showing the actual cost of the work and he shall be refunded any over-payment or conversely, he shall pay the Town any cost over and above the estimated cost of this work.

**18. INSPECTION/RE-INSPECTION FEES**

18.1 An inspection fee shall be paid to the Town for the initial inspection.

18.2 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.

**19. PRIVATE HYDRANTS**

19.1 The owner or occupant of private property shall provide an annual report of inspection, service and maintenance by September 30 of each calendar year.

19.2 Records shall be kept of the inspections and tests and these records shall be made available to the Town for inspection.

19.3 The owner or occupier of premises on which a private fire hydrant is installed, must ensure that the hydrant is maintained in good working condition at all times and that the hydrant is inspected, serviced and tested at least yearly by a Fire Protection Technician in accordance with the requirements of the Fire Code.

19.4 Where the owner of a parcel of land containing private hydrant(s) elects to contract with the Town, in writing, to maintain and service private hydrant(s) fees will apply as established by Schedule "A" of this bylaw and included in the January billings where feasible.

19.5 If an owner or occupier fails to comply with an order issued under Section 19.3 within the time specified in the order, the Town may enter onto the property and carry out such work at the cost of the owner. Any charges so incurred and remaining unpaid on December 31 of that year shall be added to and form part of the taxes payable on the real properties of the owner or owners affected by this section as taxes in arrears.

**20. RIGHT OF ENTRY**

20.1 The Superintendent and all employees of the Town, acting under the Superintendent's direction, are authorized to enter upon any property in the Water Service Area at any reasonable time in order to ascertain whether the provisions of this bylaw are being observed.

20.2 No person shall interfere with or obstruct the entry of an authorized official onto any property under Section 20.1.



**21. CONTRAVENTION AND PENALTIES**

- 21.1 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.
- 21.2 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.
- 21.3 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*.

**22. REPEAL**

That upon adoption of the bylaw, Bylaw No. 982-2016 being the "Town of Lake Cowichan Water Regulations and Rates Bylaw" is hereby repealed.

READ A FIRST TIME on the \_\_\_<sup>nd</sup> day of \_\_\_, 2018.

READ A SECOND TIME on the \_\_\_<sup>nd</sup> day of \_\_\_, 2018.

READ A THIRD TIME on the \_\_\_<sup>nd</sup> day of \_\_\_, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of \_\_\_, 2018.

\_\_\_\_\_  
 Ross Forrest  
 Mayor

\_\_\_\_\_  
 Joseph A. Fernandez  
 Corporate Officer



**TOWN OF LAKE COWICHAN  
SCHEDULE "A"**

ATTACHED TO AND FORMING PART OF WATER BYLAW NO. 1013-2018

WATER RATES		2019	2020
<b>Residential – monthly metered rates</b>	Cubic Meters per Month		
Single family unit	up to 35 m <sup>3</sup>	\$ 26.85	\$ 27.70
Townhouse per unit	up to 30 m <sup>3</sup>	23.05	23.75
Apartment or condo per unit	up to 25 m <sup>3</sup>	19.20	19.80
Outside user per unit	up to 35 m <sup>3</sup>	49.00	50.50
RV site per unit	up to 20 m <sup>3</sup>	15.40	15.85
Non-profit apartment rate	up to 15 m <sup>3</sup>	11.55	11.85
Fee for use over maximum allowed per month	per m <sup>3</sup>	0.53	0.54
<b>Residential – monthly non-metered rates</b>			
Single family or each duplex unit		35.90	37.00
Multi-family per unit		30.80	31.75
Outside user per unit		54.60	56.20
<b>Commercial – monthly metered rates</b>			
Commercial fee for up to 20 m <sup>3</sup> per month	(or 240 m <sup>3</sup> annually)	15.40	15.90
Charge for use over 20 m <sup>3</sup> per month	per m <sup>3</sup>	0.53	0.54
<b>Commercial - monthly non-metered rates</b>			
Coffee shop/ café/ office or store/ Strata RV Site		\$ 20.65	\$ 21.27
Church/ hall/ auto body or machine shop/ beauty shop		35.75	36.80
Garage or service station		46.85	48.27
Hotel & Motels – per room		10.35	10.65
Licensed clubs or lounges and pubs		115.75	119.22
Restaurant		70.20	72.30
Grocery store (larger than 5,000 square feet)		220.00	225.00
Schools – Per Room (classroom, shop, office, etc.)		35.80	36.50
Fire hydrant service and maintenance fee *		150.00	160.00
* Cost of materials will be charged separately, if required		Actual cost	Actual cost
Water meter inspection fee		50.00	50.00
Water charge – during six-month construction period - minimum of		150.00	150.00

CONNECTION FEES	Existing Un-serviced Lots	Existing Serviced Lots
3/4 inch including meter	Actual Cost *	-
3/4 inch meter only	-	\$ 500
3/4 inch meter, fittings and box	-	Actual Cost *
1 inch including meter	Actual Cost *	-
1 inch meter only	-	Actual Cost **
1 inch meter, fittings and box	-	Actual Cost *
larger than 1 inch	Actual Cost *	Actual Cost *
Disconnection fee	\$ 50.00	
Reconnection fee	50.00	
Inspection fee	30.00	
Re-inspection fee	30.00	
	* Minimum Charge \$1,300.00	
	** Minimum Charge \$750.00	



**TOWN OF LAKE COWICHAN  
BYLAW NO. 1014-2018**

**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. 1014-2018".

**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;

**OUTSIDE USER** means any consumer located outside the boundaries of the Town of Lake Cowichan;

**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 water 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 being supplied metered water 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 being supplied metered water 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 31<sup>st</sup> 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 30<sup>th</sup> 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 31<sup>st</sup> 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 building 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 outlet to waste the sewer to. 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 (½ 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 confirm 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. 983-2016 being the "Town of Lake Cowichan Sewer Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

READ A SECOND TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

READ A THIRD TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ross Forrest  
Mayor

\_\_\_\_\_  
Joseph A. Fernandez  
Corporate Officer



**TOWN OF LAKE COWICHAN  
SCHEDULE "A"**

ATTACHED TO AND FORMING PART OF SEWER BYLAW NO. 1014-2018

SEWER RATES	2019	2020
<b>Residential – monthly rates based on metered water consumption per unit:</b>	Cubic Meters per Month	
Single family unit	up to 35 m <sup>3</sup> 23.65	24.40
Townhouse per unit	up to 30 m <sup>3</sup> 20.30	20.90
Apartment or condo per unit	up to 25 m <sup>3</sup> 16.90	17.40
Outside user per unit	up to 35 m <sup>3</sup> 43.15	44.45
RV site per unit	up to 20 m <sup>3</sup> 13.55	13.95
Non-profit apartment rate	Up to 15 m <sup>3</sup> 10.15	10.45
Charge for use over maximum allowed per month	per m <sup>3</sup> 0.47	0.48
<b>Residential – monthly rates based on non-metered rates for water</b>		
Single family or each duplex unit	31.60	32.55
Multi-family per unit	27.10	27.95
Outside user per unit fee	48.05	49.50
<i>Metered customers - the following rates apply based on water consumption:</i>		
<b>Commercial – monthly rates based on metered water use</b>		
Commercial charge for up to 20 m <sup>3</sup> per month	13.55	14.00
Fee for use over 20 m <sup>3</sup> per month	per m <sup>3</sup> 0.47	0.48
<b>Commercial – monthly rates based on non-metered rates for water</b>		
Coffee shop/ café/ office or store/ RV sites	18.18	18.70
Churches/ halls/ auto body or machine shop/ beauty shop	31.45	32.40
Garage or service station	41.25	42.50
Hotel & motel – per room	9.10	9.40
Licensed clubs or lounges and pubs	101.85	104.90
Restaurants	61.75	63.60
Grocery store (larger than 5,000 square feet)	193.60	198.00
Schools – per room (classroom, shop, office, etc.)	32.00	32.10
<b>CONNECTION FEES - Existing un-serviced or serviced lots</b>		
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	25.00	25.00
Re-inspection fee	25.00	25.00
* Minimum Charge of \$1,300.00 will apply		





**TOWN OF LAKE COWICHAN  
BYLAW 1015-2018**

**A BYLAW TO AUTHORIZE AND REGULATE  
THE COLLECTION OF WASTE**

WHEREAS under Section 8 of the *Community Charter*, the Council may by bylaw regulate, prohibit and impose requirements in relation to municipal services;

AND WHEREAS it is deemed advisable that the Town of Lake Cowichan shall establish and operate a system of collection for garbage, organic material, rubbish and other unwholesome and discarded material;

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 Waste Collection Regulations and Rates Bylaw No. 1015-2018".

**2. DEFINITIONS**

In this bylaw, unless the context otherwise requires:

**COMMERCIAL ENTERPRISE** shall mean any business requiring a business licence to operate a business in the Town of Lake Cowichan;

**CONSTRUCTION WASTE** means

- (a) waste resulting from or produced by the alteration, renovation or construction of residential structures such as buildings, houses, sheds, garages, driveways, and other related improvements; and
- (b) includes any waste associated with the construction trades;

**CORRUGATED CARDBOARD** means any Kraft paper board product, consisting of rippled paper inserts and liners, that is free of contaminants such as blood, grease, oil, chemicals, food residue, and wax;

**GARBAGE** shall mean and include any and all rubbish and household waste and any items designated by the Town as acceptable for refuse collection but excludes construction waste, kitchen organics, prohibited waste, recyclable materials, and garden and yard waste;

**HYDRAULIC BIN** shall be a container designed to meet safety requirements, and to be handled by garbage trucks operating for the Town, and having a capacity of 3 cubic yards (2.3m<sup>3</sup>) and not weighing more than 225 kgs;

**INSTITUTION** shall only mean facilities owned and operated by the Vancouver Island Regional Library;

**KITCHEN ORGANICS** is kitchen waste that is compostable and includes food scraps, egg shells, fish, seafood, nuts, shells, bones, tea bags, coffee grounds, paper filters, dairy products, fruits, vegetables, breads, cereals, pasta, cakes, biscuits, paper towels, napkins, paper plates, paper cups, pizza boxes and other food soiled cardboard, gable top milk and wax coated ice cream containers, houseplants and for certainty excludes yard and garden waste and non-compostable bags;

**OCCUPIER** shall mean any person occupying any dwelling, habitation, place of residence, or trade premises within the Town, but shall not include any person who is merely a boarder, roomer, or lodger therein;



**OWNER** shall mean and include a person as defined in the **SCHEDULE — DEFINITIONS AND RULES OF INTERPRETATION** to the *Community Charter*;

**PROHIBITED WASTE** includes:

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicle tires, motor vehicle bodies, and farm tools or equipment;
- (c) anything that is on fire or is smouldering;
- (d) dead animals, or parts thereof, including:
  - (i) road kill, wildlife, or pets; but
  - (ii) excludes what is considered food waste by the Town; and
- (e) any other matter that is so considered by the Town;

**RECYCLABLE CORRUGATED CARDBOARD** shall mean a container for goods which is composed of an inner fluting (wave-like) of material and one or two outer liners of material (liner board) which is not lined with contaminants such as oil, grease and food;

**RECYCLABLES** are materials accepted under a recycling program of the Cowichan Valley Regional District.

**REGULATION GARBAGE RECEPTACLE** shall mean a tote provided by the Town for the purpose of garbage storage and collection with a good fitting, water tight cover and a capacity of not more than eighty (80 litres or 34 kg), or one hundred twenty (120) litres, or two hundred and forty (240) litres, when full. A receptacle may be used with a plastic bag liner for removal. Plastic bags shall not be permitted for use as a normal garbage receptacle unless plastic bag is placed in an approved container marked with a tag;

**REGULATION ORGANICS RECEPTACLE** shall mean a tote provided by the Town for the purpose of organics storage and collection with a good fitting, water tight cover and a capacity of not more than eighty (80 litres or 34 kg), or one hundred twenty (120) litres, or two hundred and forty (240) litres, when full. A receptacle may be used with a compostable plastic bag liner for removal. Plastic bags shall not be permitted for use as a normal organics receptacle;

**RESIDENTIAL DWELLING** shall mean 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 including, but not limited to a townhouse, semi-detached, residential home, duplex or a cabin;

**RESIDENTIAL PROPERTY** means a property within the City limits that is used for residential purposes, and includes single-family homes, duplexes, townhouses, multi-family apartments, condominiums, and co-ops;

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

**TAG** shall mean a garbage tag obtainable at the Town of Lake Cowichan for use in connection with a regulation garbage receptacle;

**TOWN** means the Town of Lake Cowichan.



**WASTE COLLECTOR** shall mean the Town or person appointed from time to time by resolution of the Municipal Council to collect garbage and trade waste or kitchen organics within the Town of Lake Cowichan;

**YARD AND GARDEN WASTE** is organic materials, other than kitchen organics, including grass, lawn and hedge clippings, sod, earth, flowers, weeds, leaves, shrubs and branches.

### **3. GENERAL PROVISIONS**

- 3.1 No person within the Town of Lake Cowichan shall dispose of garbage or waste except in accordance with the provisions of this bylaw.
- 3.2 No person shall place anything other than garbage into the garbage receptacle or kitchen organics into the kitchen organics receptacle.
- 3.3 Every occupier or owner of any dwelling, apartment house and trade premises within the Town shall ensure that regulation garbage receptacles are put out prior to pick-up times only on the days specified for pick up.
- 3.4 A residential dwelling within the Town limits will be issued one garbage receptacle and one kitchen organics receptacle.
- 3.5 Receptacles provided by the Town shall, at times, remain the property of the Town and may not removed from the premises. Where this should occur the new owner will be held responsible for the replacement costs.
- 3.6 Where the property owner requests a change in organics and garbage services applicable charges as determined in this bylaw or by council shall apply.

### **4. ACCESSIBILITY OF WASTE RECEPTACLE**

- 4.1 **RESIDENTIAL:** all regulation garbage receptacles shall be accessible within 1 meter (3 feet) of the curb or curb line on a public road site on all designated collection days or edge of pavement. Such days shall be designated by the Town. No garbage will be removed from private property or driveways on private property. Every occupier or owner of a dwelling shall place all garbage and recyclable containers before 7:00 a.m. on the day designated by the Superintendent for collection.
- 4.2 **COMMERCIAL:** all garbage receptacles shall be accessible to the Waste Collector at a predetermined location, and sites and days will be approved by the Town. Every commercial enterprise shall place all garbage and recyclable containers before 7:00 a.m. on the day designated by the Superintendent for collection.

### **5. PROPER RECEPTACLE**

- 5.1 Every occupier or owner of a dwelling, apartment house and trade premises shall use the correct receptacle for garbage or kitchen organics at all times.
- 5.2 Where garbage or kitchen organics is not contained within the receptacle or where the occupier or owner causes the garbage or kitchen organics to be strewn in or outside the dwelling, apartment house or trade premises the Superintendent may order the clean-up of the garbage. The costs of the clean-up will be assessed against the owner of the property responsible for the cause of the clean-up.

### **6. CONTAINER REQUIREMENTS**

- 6.1 No liquids or free water shall be put or placed in or allowed to run or accumulate in any regulation garbage receptacle, and all such regulation garbage receptacles shall, at all times, be kept securely covered with a water-tight cover.

- 6.2 No person shall place any explosive substance in any regulation garbage receptacle.
- 6.3 All garbage shall be drained and dry before being deposited in a garbage receptacle.
- 6.4 No person shall place kitchen scraps into a kitchen organics receptacle unless the kitchen scraps are securely contained in a paper bag or a compostable bag.
- 6.5 No person shall place garbage or kitchen organics for pick-up in receptacles owned by others without that owner's permission.

## **7. PROHIBITED MATERIALS**

- 7.1 No owner or occupier shall deposit for the collection by the Waste Collector of prohibited materials, yard and garden waste and glass or recyclable materials.

## **8. CONDITION OF RECEPTACLE**

- 8.1 All regulation garbage receptacles shall at all times be kept in good and sanitary condition and shall be accessible for inspection at all reasonable times.

## **9. MANDATORY SERVICE**

- 9.1 All premises within the Town must have all trade waste and house rubbish removed and disposed of by the Town of Lake Cowichan and shall comply with all regulations.
- 9.2 Notwithstanding section 9.1, commercial and institutional enterprises may opt out of municipal waste collection service by notifying the Town in writing of the effective date it has entered into a garbage collection and recycling contract with a bona fide garbage and recycling contractor.

## **10. INDEPENDENT SERVICE**

- 10.1 In the case of building or premises being used as separate units, each must pay the independent garbage user fee of the Town, as prescribed in the schedule attached to this bylaw.
- 10.2 The property owner is responsible for the purchase of organics and waste totes for secondary suites, where required, and the property owner also responsible for the monthly waste collections fees in accordance with Schedule A.

## **11. CHARGES WHEN VACANT**

- 11.1 All of the Town has a specified garbage district, therefore, the owners of premises, whether occupied or vacant, on which a premise exists, shall be responsible for the payment of all annual garbage user fees, whether the service is actually used or not.

## **12. COLLECTION OF FEES**

- 12.1 All accounts will be billed annually in January for the period January 1st to December 31<sup>st</sup> and payable in advance. The due date is March 31<sup>st</sup>. 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 for the respective year in Schedule "A" attached to this bylaw.
- 12.2 Invoicing for new customers will commence six (6) months after the Building Permit is issued. It is the responsibility of the customer to inform the Town if the premises are not occupied at the time.



- 12.3 Tags for use with additional regulation garbage receptacles may be bought at the Town office during regular business hours at the rate established in Schedule "A".

### **13. DISCOUNTS AND PENALTIES**

- 13.1 All accounts shall be allowed a discount of 10 percent (10%) for prompt payment of the annual billing or portion thereof if paid on or before the last day of February.
- 13.2 The annual billing is due and payable on or before March 31<sup>st</sup> of the current year. If the account remains unpaid after the first business day in July a 5 percent (5%) penalty will be applied to the outstanding balance. If the account remains unpaid after September 30<sup>th</sup> an additional 5 percent (5%) penalty will be applied to the outstanding balance.
- 13.3 Excess totter pickup billings will be due 30 days from the invoice date. If the account remains unpaid after 60 days from the billing date, monthly interest charges will be applied at 2% until the account is paid.
- 13.4 All outstanding balances as at December 31<sup>st</sup> will be transferred to taxes as arrears.

### **14. DUTIES OF WASTE COLLECTOR**

- 14.1 It shall be the duty of the Waste Collector:
- a) To collect all garbage, trade waste, recycling and organics;
  - b) To report any infraction of this bylaw;
  - c) To answer all complaints courteously and promptly;
  - d) Not to trespass needlessly on private property, but to follow pedestrian walks and not cross from one property to another;
  - e) To have all garbage collection equipment accessible to the Public Health Inspector at all times; and
  - f) To maintain a list of users who fail to meet the requirements set forth in this bylaw.

### **15. COLLECTION OF GARBAGE FROM RESIDENTIAL DWELLINGS**

- 15.1 Garbage shall be collected and carried away by the Waste Collector from all dwellings a minimum of once every second week in each year. (See Schedule "A" for multiplying factor relative to pick-up.) The schedule for the pick-up of garbage from dwellings each year shall be determined prior to December 31<sup>st</sup> of the current year.
- 15.2 Garbage shall be collected and carried away by the Waste Collector from all strata corporations weekly or biweekly (depending on service levels) provided the strata corporation signs a waiver of liability in the form attached as Schedule "B" to this bylaw.
- 15.3 A strata corporation, on behalf of all of the owners of the residential strata lots in the strata plan that are townhouses or bare land strata lots, may apply to the Town for individual service for municipal collection services provided under the garbage, recyclables and organics as set out in this bylaw.
- 15.4 The Town will accept the application if the Town is satisfied that the residential strata lots can be safely, efficiently and legally serviced by the Town's automated collection system. If accepted, the owners of each residential strata lot will be provided with basic standard carts and pay the fees according to Schedule "A".

15.5 The owners shall, as a condition of the Town actually providing municipal collection services from the residential strata lots but without affecting the owners' obligations to pay the fees, comply with any terms and conditions imposed from time to time by the Town in order to ensure that the Town can safely, efficiently and legally service the residential strata lots.

15.6 The strata council must ensure that access through the strata corporation is kept clear of snow and debris at all times and no part the access will be blocked to the automated garbage collection system.

**16. COLLECTION OF ORGANICS FROM RESIDENTIAL DWELLINGS**

16.1 Organics, after implementation, shall be collected and carried away by the Waste Collector from all dwellings once every week.

16.2 The designated kitchen organics container, as specified by the Town, must be used. To prevent a pest problem and for odour control the lid must be tightly sealed.

16.3 If a liner is used in the organics container, the liner must be compostable.

**17. COLLECTION FROM TRADE PREMISES**

17.1 Garbage and Kitchen Organics shall be collected and carried away from trade premises, apartment houses and buildings in which more than two families dwell, at such periods as the Waste Collector may establish. (See Schedule "A" for multiplying factor relative to pick-ups).

**18. REGULATION RECEPTACLE**

18.1 For the purpose of this bylaw, a garbage or kitchen organics service shall consist of the removal of the contents of not more than one garbage receptacle for a residential or commercial can, of a size specified in the definition "Regulation Garbage Receptacle" or "Trade Waste".

18.2 Notwithstanding the foregoing, any residential or commercial user is entitled to extra pick-ups at the scheduled time of garbage pick-up if each additional regulation garbage receptacle is affixed with a prepaid tag.

**19. CONTRAVENTION AND PENALTIES**

19.1 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.

19.2 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.

19.3 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*.

**20. REPEALED**

20.1 That upon adoption of the bylaw, Bylaw No. 984-2016 being the "Town of Lake Cowichan Garbage Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.



READ A FIRST TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

READ A SECOND TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

READ A THIRD TIME on the \_\_\_<sup>nd</sup> day of \_\_\_\_\_, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ross Forrest  
Mayor

\_\_\_\_\_  
Joseph A. Fernandez  
Corporate Officer

#### SCHEDULE "A"

#### ATTACHED TO AND FORMING PART OF BYLAW NO. 1015-2018

#### WASTE COLLECTION RATES

##### WASTE COLLECTION RATES - 2019

The rates reflected in this schedule are based on a flat rate billing system and include fees for garbage, organics and recycling.

The monthly minimum fee payable for the removal of waste shall be as follows:

- a) **Residential** - based on a maximum of one regulation size garbage can per bi-weekly pick-up and one regulation size organics pickup per week for each single family unit at:
  - i) \$14.80 per month for 80 litre tote
  - ii) \$22.20 per month for 120 litre tote
  - iii) \$44.40 per month for 240 litre tote (only applicable to multi-family residential)
- b) **Commercial** - offices, warehouses, small retail and wholesale outlets, industrial and other small commercial enterprises for each enterprise based on a maximum of one regulation size garbage and where applicable one regulation size organics can at:
  - i) \$14.80 per month for 80 litre tote with bi-weekly garbage pickups
  - ii) \$4.90 per pickup for 80 litre tote (one pickup per week minimum)
  - iii) \$7.35 per pickup for 120 litre tote (one pickup per week minimum)
  - iv) \$9.40 per pickup for commercial tote (one pickup per week minimum)
  - v) \$57.25 per hydraulic bin pickup

##### WASTE COLLECTION RATES - 2020

The rates reflected in this schedule are based on a flat rate billing system and include fees for garbage and recycling.

The monthly minimum fee payable for the removal of waste shall be as follows:

- a) **Residential** - based on a maximum of one regulation size garbage tote collected bi-weekly and one regulation size organics tote collected weekly for each single family unit at:
- i) \$14.95 per month for 80 litre tote
  - ii) \$22.45 per month for 120 litre tote
  - iii) \$44.85 per month for 240 litre tote (only applicable to multi-family)
- b) **Commercial** - offices, warehouses, small retail and wholesale outlets, industrial and other small commercial enterprises for each enterprise based on a maximum of one regulation size garbage and where applicable one regulation size organics can at:
- i) \$14.95 per month for 80 litre tote with bi-weekly pickups
  - ii) \$5.10 per pickup for 80 litre tote (one pickup per week minimum)
  - iii) \$7.65 per pickup for 120 litre tote (one pickup per week minimum)
  - iv) \$10.20 per pickup fee for commercial tote (one pickup per week minimum)
  - v) \$58.40 per hydraulic bin pickup





**GENERAL FEES APPLICABLE**

1. Container rental fee where applicable shall be levied as follows:

Toter	\$ 4.00 per month
Hydraulic bin	\$ 62.40 per month
2. Change of Receptacle Size \$ 30.00 per change
3. Lost, damaged or new receptacle Actual cost
4. Replacement Recycling Bags \$ 1.00 each, including applicable taxes
5. Replacement keys \$ 5.00 each, including applicable taxes
6. Extra Garbage Container Tag \$ 3.80 each, including applicable taxes

**SCHEDULE "B"**

**ATTACHED TO AND FORMING PART OF BYLAW NO. 967-2015**

**INDEMNIFYING RELEASE**

In consideration of the restricted access available to larger vehicles and in relation to the collection of garbage in or about

\_\_\_\_\_

Lake Cowichan, B.C.

\_\_\_\_\_

I/We,

\_\_\_\_\_

agree to save harmless and keep indemnified any or all of the staff, members of Council, agents, servants and representatives of the Town of Lake Cowichan (hereinafter referred to as the "Town") from and against all claims, actions, expenses and demands in respect to injuries, death, loss and damage to my/our property howsoever caused, arising out of or in connection with the collection of garbage from these premises.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

WITNESS TO:

AUTHORIZED SIGNATORY

\_\_\_\_\_  
Print Name                      Occupation

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

) \_\_\_\_\_  
) Print Name

) \_\_\_\_\_  
) Address

) \_\_\_\_\_  
) Signature

)

