

**AGENDA**

**TOWN OF LAKE COWICHAN**

**Special meeting of Council to be held on  
Tuesday, January 13<sup>th</sup>, 2015 at 5:00 p.m.**



**Page #**

**1. CALL TO ORDER**

**INTRODUCTION OF LATE ITEMS** (if applicable)

**2. APPROVAL OF AGENDA**

**3. ADOPTION OF MINUTES**

**4. BUSINESS ARISING AND UNFINISHED BUSINESS**

**5. DELEGATIONS AND REPRESENTATIONS**

**6. CORRESPONDENCE**

**(a)** Cowichan Valley Regional District re: Community Safety Advisory Commission Appointment.

**3**

**7. REPORTS**

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

**(b)** **Other Reports**

**(c)** **Staff Reports**

**8. BYLAWS**

**(a)** "Town of Lake Cowichan Water Regulations and Rates Bylaw No. 955-2014" may be reconsidered and adopted.

**4**

**(b)** "Town of Lake Cowichan Sewer Regulations and Rates Bylaw No. 956-2014" may be reconsidered and adopted.

**16**

**(c)** "Town of Lake Cowichan Waste Collection Regulations and Rates Bylaw No. 957-2014" may be reconsidered and adopted.

**25**

**9. NEW BUSINESS**

**10. MAYOR'S REPORT**

**11. MEDIA / PUBLIC QUESTION PERIOD**

**12. IN CAMERA**

**13. ADJOURNMENT**

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**Joseph Fernandez**

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Special  
Jan 13/15  
b(a)

**From:** Tara Daly [tdaly@cprd.bc.ca]  
**Sent:** January-08-15 10:25 AM  
**To:** Joseph Fernandez  
**Subject:** Community Safety Advisory Commission

Joe ~

Jayne Ingram was the sitting member of the Town of Lake Cowichan on the Community Safety Advisory Commission. The first meeting is on February 5<sup>th</sup> at 9:30 am in the Board Room. They are usually held monthly and are finished no later than 11:30. For continuity of the Commission, the appointment is until December 31, 2018 (the year of the next general local election).

As a requirement of the establishment bylaw, a letter needs to be forwarded to Joe Barry at the address below or emailed to [jbarry@cprd.bc.ca](mailto:jbarry@cprd.bc.ca) that identifies the councillor attending CSAC (and an alternate, if desired) on behalf of the Town. If possible, the letter is needed before February 5<sup>th</sup>.

If you have any questions, please contact me. Thanks for taking care of this!

Have a wonderful day!

*Tara*

Tara Daly  
Secretary 1  
Legislative Services Division  
Cowichan Valley Regional District  
175 Ingram Street Duncan BC V9L 1N8  
Email: [tdaly@cprd.bc.ca](mailto:tdaly@cprd.bc.ca)  
Phone: 250.746.2503 Toll Free: 1.800.665.3955

TOWN OF LAKE COWICHAN  
BYLAW NO. 955-2014

Special  
Jan. 13/15  
8(a)

**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 amend the Town of Lake Cowichan Water Rates and Regulations;

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. 955-2014".

**2. DEFINITION**

In this bylaw unless the context otherwise requires,

**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;

**SERVICE PIPES** means that portion of the water supply line extending from the property line of the property concerned to the building situated thereon, and joining the water connection to the plumbing system of the building;



**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;

**STAGE** means the Stages 1, 2, 3 and 4 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.
- "Stage 3" water supply conditions shall also be known as Acute.
- "Stage 4" water supply conditions shall also be known as Severe.

**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 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*.
- 7.2 Invoicing for new consumers will commence four (4) months after the Building Permit is Issued unless the owner informs the Town, in writing, that the premises are not occupied at the time.
- 7.3 Notwithstanding Section 7.2 of this bylaw, billing for water service shall commence on issuance of an occupancy permit and no later than two (2) years after the date of the issuance of the building permit whether or not the premises are occupied or an occupancy permit has been issued.
- 7.4 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.
- 7.5 When a building containing multiple units is being supplied metered service through a common connection line, if each unit has its own certificate of Indefeasible title, the minimum usage charge will apply to each unit. Should the entire building be under one title, one minimum usage charge per unit will apply 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 July 2<sup>nd</sup> 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 within three (3) months after the date that the water main is completed and rendered operational.
- 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.

## **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 normally in place between May 1 and October 31 apply;
- (b) STAGE 2 - When Water Supply Conditions are deemed "Moderate" under Stage 2, a person may:
  - continue to sprinkle as under Stage 1;
  - under the authority of an existing Permit Issued under Stage 1, continue to water a recently seeded or sodded (unestablished) lawn;
  - Not apply for a New Permit during Stage 2;
  - not use water to wash sidewalks, driveways or parking lots, or exterior windows or building surfaces, except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations;
- (c) STAGE 3 - Water Supply Conditions are deemed "Acute" requires sprinkling to be reduced to once a week and in accordance with any other restrictions imposed by Council; and includes the proviso that no person shall:
  - fill a swimming pool, hot tub, garden pond or decorative fountain at any time; or
  - wash a vehicle or a boat with water;when stage 3 water restrictions are in place.
- (d) STAGE 4 - Water Supply Conditions are deemed "Severe" where a drastic reduction in water use is necessary and Council so declares this stage:
  - All outdoor water use is prohibited.

## **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. 936-2013 being the "Town of Lake Cowichan Water Regulations and Rates Bylaw" is hereby repealed.

READ A FIRST TIME on the 23<sup>rd</sup> day of December, 2014.

READ A SECOND TIME on the 23<sup>rd</sup> day of December, 2014.

READ A THIRD TIME on the 23<sup>rd</sup> day of December, 2014.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of January, 2015.

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

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

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Water Regulations and Rates Bylaw No. 955-2014" as adopted on the \_\_\_<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
 Corporate Officer



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

ATTACHED TO AND FORMING PART OF WATER BYLAW NO. 955-2014

<b>WATER RATES</b>		
<b>Residential – monthly metered rates</b>		Cubic Meters per Month
Single family unit.	up to 35 m <sup>3</sup>	\$ 24.40
Townhouse per unit	up to 30 m <sup>3</sup>	\$ 20.92
Apartment or condo per unit	up to 25 m <sup>3</sup>	\$ 17.43
Outside user per unit	up to 35 m <sup>3</sup>	\$ 44.44
RV site per unit	up to 20 m <sup>3</sup>	\$ 14.10
Fee for use over maximum allowed per month		\$ .49 per m <sup>3</sup>
<b>Residential – monthly non-metered rates</b>		
Single family or each duplex unit		\$ 32.52
Multi-family per unit		\$ 27.93
Outside user per unit		\$ 49.44
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<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)	\$ 14.10
Charge for use over 20 m <sup>3</sup> per month		\$ .49 per m <sup>3</sup>
<hr/>		
<b>Commercial - monthly non-metered rates</b>		
Coffee shop/ café/ office or store/ Strata RV Site		\$ 18.63
Church/ hall/ auto body or machine shop/ beauty shop		\$ 32.22
Garage or service station		\$ 42.27
Hotel & Motels – per room		\$ 9.34
Licensed clubs or lounges and pubs		\$ 104.35
Restaurant		\$ 63.28
Grocery store (larger than 5,000 square feet)		\$ 191.90
Schools – Per Room (classroom, shop, office, etc.)		\$ 33.78
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Fire hydrant service and maintenance fee *		\$ 150.00
* Cost of materials will be charged separately, if required		Actual cost
<hr/>		
Water meter inspection fee		\$ 50.00
Water charge – during six months construction period - minimum of		\$150.00



<b>CONNECTION FEES</b>	<b>Existing un-serviced lots</b>	<b>Existing serviced lots</b>
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	\$ 25.00	
Re-inspection fee	\$ 25.00	

\* Minimum Charge \$1,300.00  
\*\* Minimum Charge \$750.00



TOWN OF LAKE COWICHAN  
BYLAW NO. 956-2014

Special  
Jan. 13/15  
8(b)

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. 956-2014".

2. **DEFINITION**

In this bylaw unless the context otherwise requires,

**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 segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and with each unit sharing at least one common wall with the adjacent unit.

**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 new customers will commence four (4) months after the Building Permit is issued unless the customer informs the Town, in writing, that the premises are not occupied at the time.
- 7.3 Notwithstanding Section 7.2 of this bylaw, billing for water service shall commence on issuance of an occupancy permit and no later than two (2) years after the date of the issuance of the building permit whether or not the premises are occupied or an occupancy permit has been issued.
- 7.4 Accounts with metered water service will be charged the metered sewer rates set forth in Schedule "A" attached to this bylaw based on their water consumption. Metered accounts will be billed the minimum monthly charge on their annual January bill, and will receive additional bills for usage in excess of the minimum usage charge at least twice annually.
- 7.5 When a building containing multiple units is being supplied metered water service through a common connection line, if each unit has its own certificate of indefeasible title, the minimum usage charge will apply to each unit. Should the entire building be under one title, only one minimum usage charge will apply.

#### **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 July 2<sup>nd</sup> 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 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 within three (3) months after the date that the sewer is completed and rendered operational.



**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. SWIMMING POOLS**

Swimming pools shall not normally be connected to the sanitary sewer, but may be permitted by the Town on the understanding that the outflow from the pool is controlled to avoid overloading and surging in the sanitary line. It shall be the responsibility of the swimming pool owner to obtain permission and notify the Town of any drainage.

**13. 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.

**14. UNCOVERED FOR EXAMINATION**

- 14.1 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.
- 14.2 All of the owner's sewer system shall be left uncovered and convenient for examination until it has been inspected by the Inspector.
- 14.3 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 (1/2 L) (one tenth gallon - 1/10 gal.) per hour for each three meters (3m) (ten feet -





**19. INDEPENDENT SERVICE**

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

**20. MINIMUM DIAMETER**

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

**21. OWNER'S EXCAVATION**

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

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

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

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

**22. SLOPE OF CONNECTION**

22.1 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.

22.2 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.

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

22.4 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.

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

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

22.7 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.



- 22.8 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.
- 22.9 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.
- 22.10 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.
- 22.11 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.

### **23. REGULATIONS**

- 23.1 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.
- 23.2 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.
- 23.3 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.

### **24. ADMINISTRATION**

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

### **25. 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.



**26. CONTRAVENTION AND PENALTIES**

- 26.1 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.
- 26.2 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.
- 26.3 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.
- 26.4 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*.

**27. REPEAL**

That upon adoption of the bylaw, Bylaw No. 928-2013 being the "Town of Lake Cowichan Sewer Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 23<sup>rd</sup> day of December, 2014.

READ A SECOND TIME on the 23<sup>rd</sup> day of December, 2014.

READ A THIRD TIME on the 23<sup>rd</sup> day of December, 2014.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of January, 2015.

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

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

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Sewer Regulations and Rates Bylaw No. 956-2014" as adopted on the \_\_\_<sup>th</sup> day of December, 2014.

\_\_\_\_\_  
Corporate Officer



## TOWN OF LAKE COWICHAN

## SCHEDULE "A"

## ATTACHED TO AND FORMING PART OF SEWER BYLAW NO. 956-2014

SEWER RATES		
<b>Residential – monthly rates based on metered water use</b>	<b>Cubic Meters per Month</b>	
Single family unit	up to 35 m <sup>3</sup>	\$ 21.47
Townhouse per unit	up to 30 m <sup>3</sup>	\$ 18.41
Apartment or condo per unit	up to 25 m <sup>3</sup>	\$ 15.33
Outside user per unit	up to 35 m <sup>3</sup>	\$ 39.10
RV site per unit	up to 20 m <sup>3</sup>	\$ 12.40
Charge for use over maximum allowed per month		\$ .43 per m <sup>3</sup>
<b>Residential –monthly rates based on non-metered flat rates for water use</b>		
Single family or each duplex unit		\$ 28.63
Multi-family per unit		\$ 24.59
Outside user per unit fee		\$ 43.53
<b><i>Metered customers shall the following rates based on water consumption:</i></b>		
<b>Commercial – monthly rates based on metered water use</b>		
Commercial charge for up to 20 m <sup>3</sup> per month		\$ 12.40
Fee for use over 20 m <sup>3</sup> per month		\$ .43 per m <sup>3</sup>
<b>Commercial – monthly rates based on non-metered flat rates for water use</b>		
Coffee shop/ café/ office or store/ RV sites		\$ 16.41
Churches/ halls/ auto body or machine shop/ beauty shop		\$ 28.33
Garage or service station		\$ 37.22
Hotel & motel – per room		\$ 8.23
Grocery store (larger than 5,000 square feet)		\$ 168.87
Licensed clubs or lounges and pubs		\$ 91.86
Restaurants		\$ 55.70
Schools – per room (classroom, shop, office, etc.)		\$ 29.74
<b>CONNECTION FEES - Existing un-serviced or serviced lots</b>		
4 inch Sewer connection		Actual Cost *
4 inch Storm connection		Actual Cost *
Larger than 4 inch		Actual Cost *
Inspection fee		\$ 25.00
Re-Inspection fee		\$ 25.00
* Minimum Charge of \$1,300.00 will apply		



TOWN OF LAKE COWICHAN  
BYLAW 957-2014

A BYLAW TO AUTHORIZE AND REGULATE  
THE COLLECTION OF WASTE

Special  
Jan 13/15  
8(c)

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. 957-2014".

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 household receptacle 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) liters, or more than 18 kg 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 except where they may be used in connection with a regulation garbage receptacle or commercial container approved by the Superintendent;

**REGULATION ORGANICS RECEPTACLE** shall mean a household receptacle 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) liters, or more than 18 kg 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 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 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.

**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 July 2<sup>nd</sup> 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 toter 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 provided the strata corporation signs a waiver of liability in the form attached as Schedule "B" to this bylaw.

### **16. COLLECTON 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. 938-2013 being the "Town of Lake Cowichan Garbage Regulations and Rates Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 23<sup>rd</sup> day of December, 2014.

READ A SECOND TIME on the 23<sup>rd</sup> day of December, 2014.

READ A THIRD TIME on the 23<sup>rd</sup> day of December, 2014.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the \_\_\_<sup>th</sup> day of January, 2015.

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

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



**SCHEDULE "A"****ATTACHED TO AND FORMING PART OF BYLAW NO. 957-2014****WASTE COLLECTION RATES****WASTE COLLECTION RATES - 2015**

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 garbage can per bi-weekly pick-up and one regulation size organics pickup per week for each single family unit at:
  - i) \$14.35 per month for 80 litre tote (maximum 18 kg)
  - ii) \$21.50 per month for 120 litre tote
  - iii) \$43.00 per month for 240 litre tote (only applicable to multi-family and commercial)
- b) **Commercial** - with no bins - one pickup per week - offices, warehouses, small retail and wholesale outlets and other small commercial enterprises for each enterprise based on a maximum of one regulation garbage can per pickup per week at \$14.35 per month. Where organic totes have been provided the residential rates will apply.
- c) **Commercial** - commercial and industrial establishments having toter and/or hydraulic bin pick-up of garbage will be charged at the following rates per pick-up based on the yearly average:
  - i) per toter pick-up \$ 7.65
  - ii) per hydraulic bin pick-up \$ 54.65

**WASTE COLLECTION RATES - 2016**

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 two regulation garbage cans per bi-weekly pick-up, or one regulation garbage can per weekly pick-up, for each single family unit at:
  - i) \$14.50 per month for 80 litre tote (maximum 18 kg)
  - ii) \$21.75 per month for 120 litre tote
  - iii) \$43.50 per month for 240 litre tote (only applicable to multi-family and commercial)
- b) **Commercial** - with no bins - one pickup per week or biweekly - offices, warehouses, small retail and wholesale outlets and other small commercial enterprises for each enterprise based on a maximum of one regulation garbage can per pickup per week or two garbage cans bi-weekly at \$14.50 per month.
- c) **Commercial** - commercial and industrial establishments having toter and/or hydraulic bin pick-up of garbage will be charged at the following rates per pick-up based on the yearly average:
  - i) per toter pick-up \$ 7.70
  - ii) per hydraulic bin pick-up \$ 55.15



**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 or damaged receptacle Actual Cost for replacement or repairs
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. 957-2014**

**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	)	Print Name
	)	
_____	)	_____
Address	)	Address
	)	
_____	)	_____
	)	
_____	)	_____
Signature	)	Signature
	)	



