



HOLLAND CREEK SEWAGE COLLECTION SYSTEM REGULATION AND FEE BYLAW NO. 1560, 2001

This is a consolidation of the original Bylaw and adopted Bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

September 9, 2022

BYLAW AMENDMENTS

Bylaw No.	Amend. No./Yr.	Adopted	Short Citing	Description
1896	1	Mar 2/06	Holland Creek Sewage Collection System Regulation and Fee Bylaw No. 1560, 2001 – Amendment Bylaw No. 1, 2006	- Connection fee schedule amendment – Schedule B of Bylaw No. 1560 is repealed and replaced with Schedule A of Bylaw No. 1896
3160	2	Sep 9/22	Holland Creek Sewage Collection System Regulation and Fee Bylaw No. 1560, 2001 – Amendment Bylaw No. 2, 2022	<ul style="list-style-type: none"> - Section 2.1 definitions “Commercial”, “Commercial Unit Equivalency”, “Residential Unit” added - Section 2.1 definitions of “Schedules A, B & C” repealed and replaced - Section 6.1 repealed and replaced - Section 7.1 repealed and replaced - Section 8.1 repealed and replaced - Section 8.2 repealed and replaced - Schedules A, B and C repealed and replaced

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1560

A bylaw to establish regulations and fees for the Holland Creek Sewage Collection System.

WHEREAS Bylaw No. 1503 established the Holland Creek Sewage Collection System Local Service and authorized the imposition of fees and other charges for said service;

AND WHEREAS it is necessary to regulate and manage the Holland Creek Sewage Collection System and to set fees for use of said System;

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

1. CITING

This Bylaw may be cited as "Regional District of East Kootenay - Holland Creek Sewage Collection System Regulation and Fee Bylaw No. 1560, 2001".

2. INTERPRETATION

2.1 In this Bylaw, the following definitions apply:

Authorized Agent includes a person, firm or corporation representing the RDEK by written consent.

Board means the Board of Directors of the RDEK.

Commercial means any use permitted under the C-1 (Community Commercial), C-2 (Service Commercial), C-3 (Regional Commercial) or I-1 (Light Industrial) Zones as defined in Bylaw No. 900 - Upper Columbia Valley Zoning Bylaw No. 900, 1992 and all amendments enacted to Bylaw No. 900.

BL 3160
Sept 9/22

Commercial Unit Equivalency means the factor by which Kinbasket Connection Fees, Metered Services Monthly Base Rate User Fees and Unmetered Services User Fees paid by Commercial connections that consume a disproportionate volume of water because of the nature of the business would be multiplied.

BL 3160
Sept 9/22

Manager means the person appointed by the Board to manage the Sewer System and includes employees and Authorized Agents of the RDEK acting under the direction of the Manager.

Multi-Family Residential means a residential building containing three or more Residential Units.

Owner means any person who is the Owner or agent for the Owner of any premises (property) which are connected to the Sewer System.

RDEK means the Regional District of East Kootenay.

Residential Unit means a housing unit for one family consisting of a detached residence, mobile home, an individual site in an RV Park intended for long-term occupancy, one self-contained suite in a residence, one side of a duplex, or one self-contained suite in a building containing three or more such suites, including home-based business'.

BL 3160
Sept 9/22

Schedule A entitled "Connections", **Schedule B** entitled "User Fees", and **Schedule C** entitled "Commercial Units and Equivalencies" are attached to, incorporated in, and form part of this Bylaw.

BL 3160
Sept 9/22

Service Area means the Holland Creek Sewage Collection System Local Service Area established by Bylaw No. 1503.

Sewer Connection means the sewer pipe and its integral appurtenances which are placed from the sewer main (and generally at right angles thereto) to the Owner's property line.

Sewer System means the Holland Creek Sewage Collection System.

Works means the sewer works of the Sewer System.

- 2.2 All words, either in this Bylaw or in the Schedules hereto, referring to any person, Owner or applicant shall be taken to be of such number and gender as the context and the facts may require and shall also include a corporation or partnership.

3. RESPONSIBILITIES

- 3.1 The Manager shall have power, subject to the consent of the Board, to employ such inspectors as deemed necessary to carry out the provisions of this Bylaw, and whenever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any inspector or employee authorized by such Manager to perform such act or duty.
- 3.2 The Manager is hereby authorized and directed to have general supervision over the installation, construction, inspection, and maintenance of all Works in the Service Area.
- 3.3 No person shall obstruct or prevent the Manager from carrying out any or all of the provisions of this Bylaw, nor shall any person refuse to grant the Manager permission to inspect any Works at any reasonable time.
- 3.4 All persons shall keep the service pipes, and fittings on their own premises (property) in good order and repair, and protect them from frost at their own risk and expense.
- 3.5 Nothing contained in this Bylaw shall be construed to impose any liability on the RDEK to give a continuous supply of sewer service to any person or premises (property).

4. PROHIBITIONS

- 4.1 No person other than the RDEK shall tap or make any connection whatsoever with any of the public or private pipes.
- 4.2 No person except the Manager shall interfere in any way with any Sewer System appurtenances.
- 4.3 No work of any kind connected with the Sewer System, either for the laying of new or repair of old service pipes shall be done on or under any street or lane within the Service Area by any person other than the Manager or a person authorized by the Manager.
- 4.4 No unauthorized person shall in any way interfere or tamper with any pipe, fixture, fitting or appliance of or connected with the Sewer System whether on his own premises (property) or elsewhere.

5. CONDITIONS OF SERVICE

- 5.1 The RDEK shall have the right to limit the number of connections to the Sewer System.
- 5.2 Each Owner shall be responsible for the repair and maintenance of all pipes and fixtures between the main and his premises (property).
- 5.3 Every plumbing system shall conform to the appropriate government regulations and these regulations shall govern the administration and minimum requirements for the installation of sewer services to all premises (property) located within the Service Area.
- 5.4 The Manager is authorized to inspect all buildings and premises (property) which are connected to the Sewer System and shall keep records of applications for services and a full description of all Works constructed.
- 5.5 Every person to whom sewer service is supplied under this Bylaw shall at all reasonable times allow the Manager to enter into and upon the premises (property) in respect of which such service is supplied for the purpose of inspecting the sewer pipes, fixtures and fittings used in connection with such water supply.

6. CONNECTIONS

- 6.1 All applications for connection to the Sewer System shall be made in writing on the application form provided by the RDEK, by the Owner of the property to which the application refers, or by the Owner's duly Authorized Agent.
- 6.2 Each application for connection to the Sewer System shall give a full and true statement of the legal description and location of the property or building to which the installation is to be made, the size and description of the premises, the number of dwelling units

therein, and all other information that may be necessary to form a correct estimate of the fees to be charged for the said premises. If the statement given is not accurate, any additional fees required to be made by reason that the statement is inaccurate, shall immediately be payable to the RDEK.

- 6.3 The RDEK reserves the right to refuse any application for connection to the Sewer System for sewage collection or treatment reasons or where the applicant has overdue fees.
- 6.4 No application shall be considered approved until it has been signed by the Manager.
- 6.5 All new connections to the Sewer System are subject to the applicable fees as set out in Schedule B and shall be paid by the applicant when application for connection is made.

7. USER FEES

7.1 User fees are hereby imposed and levied against the Owners or occupiers of land or real property whose property is connected to the Sewer System, classified in accordance with the categories set out in Schedule B.

7.2 The user fees shall take effect from the first day when connection is made from the building or structure to the water main serving the property.

8. BILLING AND ARREARS

8.1 The RDEK shall invoice user fees as set out in Schedule B, on or before the 15th day of January, April, July and October.

8.2 If payment of the current billing is not made before due date stated on the invoice, a 10% charge shall be added.

8.3 All fees applicable to the Service Area in which real property is situated shall be paid by the property Owner, and any balance or charge that is due and payable on or before the 31st day of December that remains unpaid on the 31st day of December shall be deemed to be taxes in arrears in respect of the property and be entered on the Tax Roll by the Provincial Collector as taxes in arrears.

9. MULTI-FAMILY RESIDENTIAL

9.1 In the case of Multi-Family Residential, each building shall be considered as a separate unit and shall be charged the appropriate rate shown in Schedule C.

10. PUBLIC HEALTH

10.1 The Health Inspector for the East Kootenay Community Health Services Society shall be the authority to be consulted in all matters pertaining to public health resulting from the operation of the Sewer System.

11. OWNERSHIP

11.1 All pipes, connections, appurtenances or facilities required for sewer service to the Owner's property line which are constructed, whether at the Owner's expense or RDEK expense, in present or future public highways or within RDEK right-of-way property, shall be the property of the RDEK.

12. MAIN EXTENSIONS

12.1 Provisions are not made in this Bylaw for the extension of sewer mains.

13. REQUIRED CONNECTION TO SEWER SYSTEM

13.1 Every sanitary drainage system serving property within the Service Area shall be connected to the Sewer System.

13.2 Every building in which plumbing fixtures are installed shall have all such fixtures connected to the Sewer System.

- 13.3 In default of any such Owner connecting any such premise (property) to the Sewer System within the applicable period referred to in this section, the connection may be made by the Board at the Owner's expense.
- 13.4 Any such Owner so in default as aforesaid shall be deemed guilty of an infraction of this regulation and shall be liable to the penalties imposed by the Board.
- 13.5 Sanitary Sewer Connections shall not be used during building operations or relaying operations or at any other time whatsoever for storm-water drainage purposes.
- 13.6 Storm-sewer and storm-drain connections shall not be used for the purpose of conveying sanitary effluent.
- 13.7 No one shall connect or cause to be connected any storm-drainage system to a sanitary sewer, and no person shall connect any soil or waste water to a storm sewer.
- 13.8 No person shall connect or allow or cause any septic tank to be connected in any way with the Sewer System.
- 13.9 No person shall deposit or allow or cause to enter into the Sewer System the sludge or material contained in any existing septic tank, except at an approved location.

14. INFRACTIONS AND PENALTIES

- 14.1 Any person who shall install, place or maintain in any premises any Sewer Connection, fixture or fitting not in accordance with the requirements of this Bylaw shall be guilty of an infraction thereof.
- 14.2 Any person or persons tampering with or interfering with or in any way injuring any part of the Sewer System or interfering in any manner with the operation and collection thereof, except under and with the permission in writing of the Manager, shall, on summary conviction thereof before the proper authority, be liable to a penalty of not less than \$500.00 for each offence, together with costs.

READ A FIRST TIME the 2nd day of March, 2001.

READ A SECOND TIME the 2nd day of March, 2001.

READ A THIRD TIME the 2nd day of March, 2001.

ADOPTED the 2nd day of March, 2001.

"Jim Ogilvie"

CHAIR

"Elaine Knowlson"

DEPUTY SECRETARY

BL 3160
Sept 9/22

**SCHEDULE A
TO BYLAW NO. 1560**

**CONNECTIONS
Holland Creek Sewage Collection System**

1. The conditions for Sewer Service as contained in the application for connection permit form apply to all connections made to the Holland Creek Sewage Collection System.

2. KINBASKET CONNECTION FEE

A Kinbasket Connection Fee of \$5,500.00* to be applied as per the Modification and Extension Agreement within the Master Sewage Servicing Agreement between the Kinbasket Water & Sewer Company Ltd. and the Regional District of East Kootenay for:

- a) Creation of a new serviced parcel by subdivision.
- b) Creation of a serviced parcel with separate folio from a group of two or more parcels with one folio.
- c) A service area extension to an additional parcel or dwelling.
- d) Each new Residential Unit in a bare land strata or equivalent.
- e) Each new Commercial connection.*
 - i) Shell (Gas Station) – 2 equivalent
 - ii) McDonalds (Fast Food Outlet) – 4 equivalent
 - iii) Lordco (Retail) – 1 equivalent

* Subject to Commercial Unit Equivalencies as described in Schedule C.

3. CONNECTION FEES

- 3.1 Fees to connect a property to the Holland Creek Sewage Collection System are as follows:

- | | | |
|----|---|----------------------------|
| a) | Flat connection fee for occupied and vacant properties
- due and payable at time of application for connection | \$2,500.00 |
| b) | Flat connection fee for each service lateral or each serviced strata unit installed at the expense of the developer
- due and payable at time of application for connection | \$400.00 |
| c) | Where actual cost of connection exceeds the flat connection fee outlined in (a) or (b) above, the owner shall pay the actual costs of connection which include labour, materials, and equipment
- deposit due and payable at time of application for connection
- balance due and payable immediately upon completion of connection | \$2,500.00
actual costs |

BL 3160
Sept 9/22

**SCHEDULE B
TO BYLAW NO. 1560**

**USER FEES
Holland Creek Sewage Collection System**

1. SEWER USER FEES

		Effective Sept. 9, 2022 Monthly	Effective Jan. 1, 2023 Monthly	Effective Jan. 1, 2024 Monthly	Effective Jan. 1, 2025 Monthly
a)	Residential Unit	\$16.00	\$16.50	\$17.00	\$17.50
b)	Commercial*				
	i) Shell (Gas Station) – 2 equivalent	\$320.00	\$330.00	\$340.00	\$350.00
	ii) McDonalds (Fast Food Outlet) – 4 equivalent	\$640.00	\$660.00	\$680.00	\$700.00
	iii) Lordco (Retail) – 1 equivalent	\$160.00	\$165.00	\$170.00	\$175.00

* Subject to Commercial Unit Equivalencies as described in Schedule C.

The above rates are applicable regardless if the respective unit is vacant or occupied.

BL 3160
Sept 9/22

SCHEDULE C**BYLAW NO. 3160****COMMERCIAL UNITS AND EQUIVALENCIES
Holland Creek Sewage Collection System****1. COMMERCIAL UNITS AND EQUIVALENCIES**

1.1 Commercial connections will be assessed individually at the time of application for connection and assigned an equivalency value based on;

- a) The applicant's estimate of sewage output;
- b) Input from the Kinbasket Water & Sewer Company Ltd.;
- c) Applicable industry data; and
- d) RDEK experience with similar Commercial entities.

This equivalency can be revised by the RDEK or at the request of the account holder once enough data has been collected to determine trends.

This equivalency value will then be applied as a multiplier to the:

- a) The Kinbasket Connection Fee (Schedule A); and
- b) The Commercial Sewer User Fee (Schedule B).