

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1257

A BYLAW TO IMPOSE CAPITAL CHARGES FOR THE SOUTHERN COMMUNITY SEWER SERVICE

WHEREAS by “Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993” the Regional District established a service to construct and operate major facilities for the conveyance, treatment and disposal of sewage (i.e., Greater Nanaimo Water Pollution Control Centre, lift stations, force mains, interceptors, outfalls);

AND WHEREAS by “Southern Community Sewer Local Service Area Development Cost Charge Bylaw No. 1020, 1996”, the Board imposed development cost charges on new developments within the Area Service for the purpose of providing funds to assist the Regional District to pay the capital costs of providing, constructing, altering or expanding major sewerage facilities to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS Section 363 of the *Local Government Act* authorizes a Board to, by bylaw, impose a fee or charge in respect of all or part of a service of the Regional District;

AND WHEREAS treatment and conveyance facilities constructed in the Southern Community Sewer Service have been paid for primarily by properties having a connection to the treatment and conveyance facilities and the Board considers it fair and equitable to impose a fee where additional properties are provided access to treatment and conveyance facilities;

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

1. PURPOSE

The purpose of this bylaw is to collect one fee per Unit or Lot.

2. DEFINITIONS

“Building” means any structure that is used or intended to be used for the purpose of supporting or sheltering any use or occupancy.

“Local Area Service” means an area established by a municipal bylaw for the purposes of assessing costs to construct a sewer collection system.

“Lot” means a parcel created by registration of a subdivision under the *Land Title Act* (British Columbia) or the Bare Land Strata regulation under the *Strata Property Act* (British Columbia).

“Unit” means a self contained space with a separate entrance and which has plumbing fixtures of any kind.

“Plumbing fixture” means any one of or any combination of a sink, shower, washing or bathing tub, washing machines or any equipment intended to be used for washing or rinsing.

3. A capital charge is hereby payable in accordance with Schedule 'A' attached to and forming a part of this bylaw.
4. The capital charges under this bylaw shall apply to properties added to the City of Nanaimo benefiting area as shown outlined on Schedule 'B' attached to this bylaw.
5. The capital charges under this bylaw shall apply to properties within or added to the benefiting area in the District of Lantzville as shown outlined on Schedule 'C' attached to this bylaw.
6. Upon the adoption of this bylaw "Lantzville Sewage Local Service Area Rates and Charges Bylaw No. 1012, 1996" is hereby repealed.
7. This bylaw may be cited for all purposes as "Southern Community Sewer Service Area Capital Charge Bylaw No. 1257, 2007".

Introduced and read three times this 24th day of April, 2007.

Adopted this 24th day of April, 2007.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Chairperson

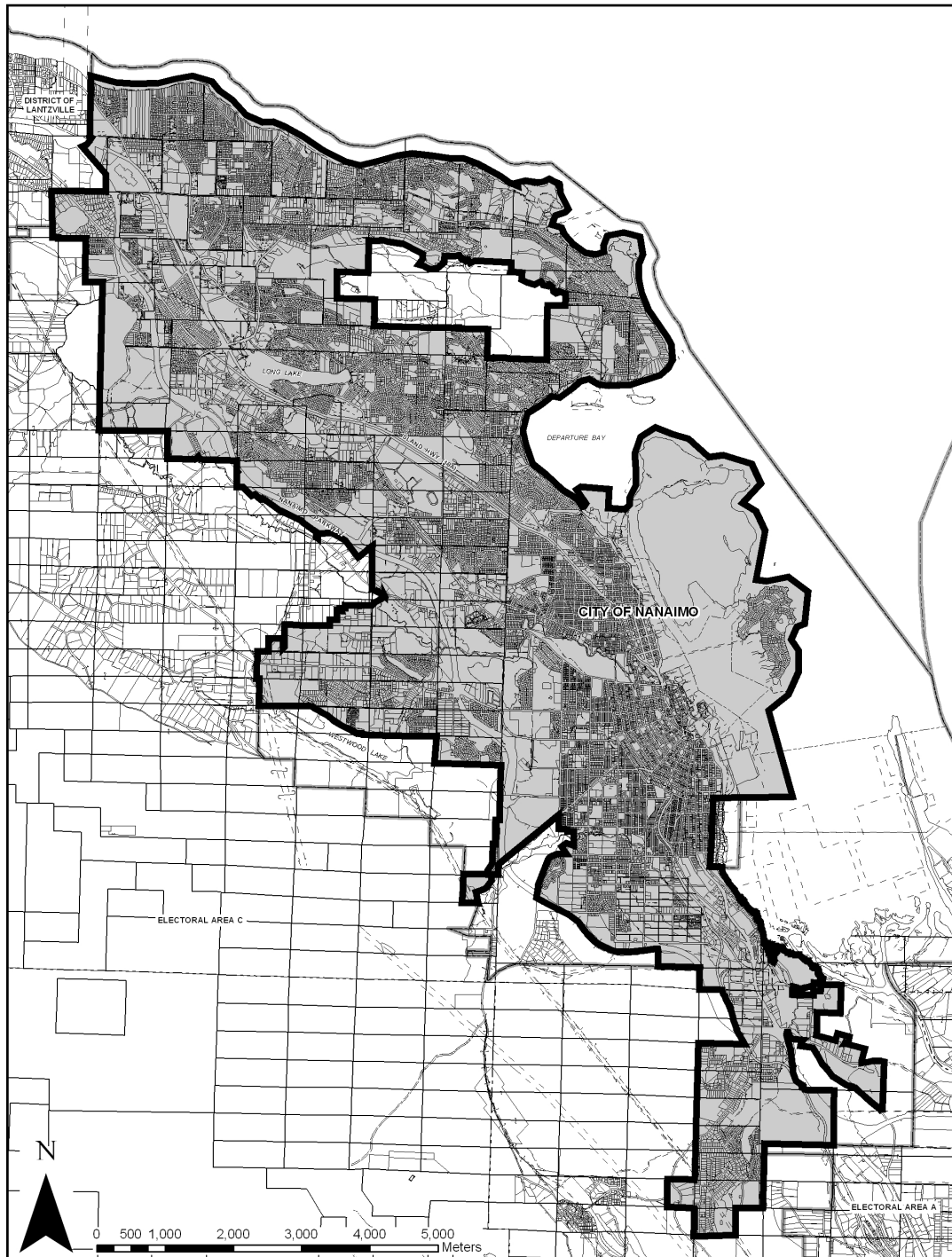
Sr. Mgr., Corporate Administration

SCHEDULE 'A'

- (a) The fees hereunder shall be paid at the earliest of:
1. prior to adopting a bylaw to amend the boundaries of a municipal benefiting area;
 2. prior to adopting a bylaw to establish or amend the boundaries of a municipal Local Area Service;
 3. Upon approval of a connection to a sewer service;
 4. As a condition of the approval of a subdivision or bare land strata.
- (b) The capital charge is hereby established as \$658.
- (c) The fee shall apply to each existing Lot or Unit and to each newly created Lot or Unit.
- (d) The capital charges in this bylaw shall increase by 3% compounded each January 1st except as noted below.
- (e) Notwithstanding Section (a) above, where the municipality constructs or has constructed under its direct supervision an extension to a sewer collector system or a sewer collection system for a Local Area Service, the fees payable in respect of properties so affected shall be payable one year following substantial completion of the construction. The municipality shall advise the Regional District of Nanaimo General Manager, Finance & Information Services in writing of the date substantial completion is certified.
- (f) For the purposes of establishing the amount of fees to be paid by a Local Area Service or as a result of a sewer extension, the municipality shall notify the Regional District of Nanaimo General Manager, Finance & Information Services at the time that a Local Area Service bylaw is adopted or amended or that a sewer extension is contemplated and shall identify the property(ies) to be included for the purposes of this bylaw.
- (g) The capital charge rate in effect at the beginning of the year in which construction commences or a Local Area Service is established shall be the rate at which capital charges payable under sections (e) and (f) shall be calculated for the properties to be serviced.
- (h) Fees payable will be collected and accounted for by the municipality and shall be remitted to the Regional District from time to time as agreed between the Regional District and the municipality.

Chairperson

Sr. Mgr., Corporate Administration



Chairperson

Sr. Mgr., Corporate Administration

