

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4392

(**Amended by Bylaw No. 4447, 4457, 4498, 4526, 4554, 4580, 4583, 4603, 4634, 4662, 4677, 4702, 4725, 4744, 4776 and 4803)

CONSOLIDATED FOR CONVENIENCE ONLY TO DECEMBER 13, 2021

A Bylaw to Impose a Charge for the Use of the Public Sewer System

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1. In this Bylaw:

“billing period” means the period of time between regular water meter readings carried out for the purposes of the Water Rate Bylaw, unless there is a special reading requested as a result of a change of occupancy of the premises, in which case the billing period will be from the last regular water meter reading to the special reading, and from the special reading to the next regular water meter reading;

“business” means real property that is classified as Class 6 or 8 under the *Assessment Act* and the *Prescribed Classes of Property Regulation*;

“Collector” means the Municipal Treasurer for the Municipality;

“garden meter” means a secondary meter, read by the Municipality for the purposes of the Water Rate Bylaw, measuring only the volume of water delivered for outside watering;

“Municipality” means The Corporation of the District of Oak Bay;

“owner” means the registered owner of the premises, provided however that where an occupier of the premises is recorded by the Municipality as the customer for the purposes of the Water Rate Bylaw with respect to the premises, “owner” shall include “occupier”;

“premises” means real property, including buildings, to which water service has been established under the Water Rate Bylaw;

“residential property” means real property that is classified as Class 1 under the *Assessment Act* and the *Prescribed Classes of Property Regulation*;

“unit” means a volume of water equivalent to 2,832 litres;

“Water Rate Bylaw” means Bylaw No. 3370, *Water Rate Bylaw, 1981*, as amended.

2. The volume of water delivered to the premises shall be deemed for the purposes of this Bylaw to be the volume of water determined to have been delivered under the Water Rate Bylaw.
3. A sewer user charge is imposed against the owners of premises for the use of the sewer

system of the Municipality and, subject to Section 5, for the use of the sewer system of the Capital Regional District.

4. The sewer user charge shall be imposed after every billing period and shall be calculated on the basis of the volume of water delivered to the premises, as more particularly set out in Sections 6 through 8.
5. Provided that the Municipality has entered into an agreement with the Capital Regional District pursuant to the *Additional Powers Regulation* (B.C. Reg. 236/2002) under the *Local Government Act*, the sewer user charge imposed by Section 3 for the use of the sewer system of the Municipality shall be augmented by a charge imposed for the purpose of recovering part of the Capital Regional District's sewer charges to the Municipality, with the portion of the Capital Regional District's sewer charges calculated to be so recovered, based on annual water consumption projections prepared by the Collector, to be 100% of the Municipality's share of the Capital Regional District's principal and interest costs for the servicing of regional sewer system debt contracted after December 31, 2004, and 100% of the costs associated with sewage treatment infrastructure that is to be built to meet the requirements of the Core Area Liquid Waste Management Plan.
(**Bylaw No. 4526, adopted February 14, 2011)
(**Bylaw No. 4554, adopted January 3, 2012)
(**Bylaw No. 4580, adopted December 10, 2012)
(**Bylaw No. 4583, adopted April 8, 2013)
6. For each billing period, the sewer user charge shall be calculated by multiplying the number of units of water delivered by the rate set out in Schedule "A", provided, however, that in the case of a residential property for which there is no garden meter, this product shall in turn be multiplied by 0.60.
7. Where a property is classified as being combined business and residential, for each billing period the sewer user charge shall be calculated by multiplying the number of units of water delivered by the rate set out in Schedule "A".
8. Where water delivered to a property flows through more than one meter read by the Municipality for the purposes of the Water Rate Bylaw, only the readings from the meters servicing a building will be used to calculate the sewer user charge.
9. The Municipality may render accounts under this Bylaw on the same form as accounts under the Water Rate Bylaw and the accounts are due and payable, with the same penalty applied to late payments, as prescribed in the Water Rate Bylaw.
10. Sewer user charges unpaid at the end of the calendar year in which they are due shall be deemed to be taxes in arrears and shall be so entered on the tax roll by the Collector.
11. All money collected under this Bylaw shall be deposited into the Sewer Fund of the Municipality to be used or reserved for operating, maintaining, inspecting, repairing, renewing, reconstructing or expanding the sewerage system of the Municipality, or for the payment of an invoice or requisition issued to the Municipality by the Capital Regional District for regional sewer system costs.

12. If any part of this Bylaw is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and be construed as if this Bylaw had been adopted without the invalid portion.

13. The following Bylaws are hereby repealed:

Bylaw No. 4250, "*Sewer User Charge Bylaw, 2005*";

Bylaw No. 4303, "*Sewer User Charge Amendment Bylaw, 2006*";

Bylaw No. 4341, "*Sewer User Charge Bylaw Amendment Bylaw, 2007*";

Bylaw No. 4364, "*Sewer User Charge Bylaw Amendment Bylaw No. 2, 2007*",

provided however that such repeals shall not relieve any person of liability for payment of a charge duly imposed under Bylaw No. 4250 as amended, nor shall it derogate from any recourse or remedy available to the Municipality under Bylaw No. 4250 as amended, or otherwise, for the collection of a charge imposed thereunder.

14. This Bylaw may be cited as the "*Sewer User Charge Bylaw, 2008*".

READ a first, second and third time by the Municipal Council on December 17, 2007

ADOPTED and FINALLY PASSED by the Municipal Council on January 14, 2008

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of
the District of Oak Bay.

SCHEDULE "A"

The sewer user charge is made up of:

Municipal costs	\$2.80 per unit of water delivered
Regional costs	<u>\$5.09 per unit of water delivered</u>
Total	\$7.89 per unit of water delivered

- (**Bylaw No. 4447, adopted December 17, 2008)
- (**Bylaw No. 4457, adopted April 27, 2009)
- (**Bylaw No. 4498, adopted December 17, 2009)
- (**Bylaw No. 4526, adopted February 14, 2011)
- (**Bylaw No. 4554, adopted January 3, 2012)
- (**Bylaw No. 4580, adopted December 10, 2012)
- (**Bylaw No. 4583, adopted April 8, 2013)
- (**Bylaw No. 4603, adopted January 13, 2014)
- (**Bylaw No. 4634, adopted December 15, 2014)
- (**Bylaw No. 4662, adopted December 14, 2015)
- (**Bylaw No. 4677, adopted December 16, 2016)
- (**Bylaw No. 4702, adopted December 18, 2017)
- (**Bylaw No. 4725, adopted December 12, 2018)
- (**Bylaw No. 4744, adopted December 9, 2019)
- (**Bylaw No 4776, adopted December 7, 2020)
- (**Bylaw No 4803, adopted December 13, 2021)