

**REGIONAL DISTRICT OF NANAIMO
BOWSER VILLAGE SANITARY SEWER RATES AND REGULATIONS
BYLAW NO. 1773, 2018**

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1773

**A BYLAW TO REGULATE AND IMPOSE FEES AND
CHARGES FOR THE PROVISION, OPERATION, AND
ADMINISTRATION OF THE BOWSER VILLAGE SANITARY
SEWER SERVICE**

WHEREAS the Regional Board of the Regional District of Nanaimo adopted the Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, establishing the service for the collection, conveyance, treatment, and disposal of sewage within the Bowser Village Sanitary Sewer Service Area;

AND WHEREAS, pursuant to section 363 of the *Local Government Act* ("the Act"), the Regional Board may impose fees and charges in respect of all or part of a service of the Regional District;

AND WHEREAS, pursuant to section 306(a) of the *Act*, the Regional Board may regulate and prohibit the design and installation of drainage and sewerage works provided by persons other than the Regional District;

AND WHEREAS, pursuant to section 306(b) of the *Act*, the Regional Board may require owners of real property to connect their buildings and structures to the appropriate sewer or drain connections in the manner specified by bylaw;

AND WHEREAS, pursuant to section 335(2) of the *Act*, the Regional Board may regulate and prohibit in relation to a Regional District service;

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

PART I: INTERPRETATION

1. CITATION

This Bylaw may be cited for all purposes as "Bowser Village Sanitary Sewer Rates and Regulations Bylaw No. 1773, 2018".

2. APPLICATION

This Bylaw applies to all properties within the Bowser Village Sanitary Sewer Service Area.

3. DEFINITIONS

The following terms, words and phrases when used in this Bylaw shall have the meanings set forth in this section, whether appearing in capital or lower case form. If not defined below, the words and phrases used in this Bylaw shall have their common and ordinary meanings to the degree consistent with the technical subjects in this Bylaw.

- (1) **BUILDING SEWER** means any sewer, including gravity and pump systems, and its appurtenances installed that connects a Service Connection to any building or structure on a Parcel.
- (2) **BYLAW No. 500** means “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, including any of its amendments or any bylaw that may replace it.
- (3) **BYLAW No. 1250** means “Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010”, including any of its amendments or any bylaw that may replace it.
- (4) **BYLAW No. 1730** means “Regional Sewage Source Control Bylaw No 1730, 2015”, including any of its amendments or any bylaw that may replace it.
- (5) **BYLAW No. 1760** means “Bowser Village Sanitary Sewer Service Establishment Bylaw No 1760, 2017”, including any of its amendments or any bylaw that may replace it.
- (6) **CAPABLE OF CONNECTION** means that a Parcel of land abuts a highway, Regional District right-of-way, or easement upon or in which there is a Community Sewer System with excess capacity and that the Service Connection will have adequate cover at the property line and convey sewage towards the sewer, allowing any building or structure on the Parcel to be connected to the Service Connection by way of building sewer, or a pump and force main.
- (7) **COMMUNITY SEWER SYSTEM** means a sewer system constructed under the authority of Bylaw No. 1760.
- (8) **CONGREGATE CARE FACILITY** means an institutional use building with four or more sleeping units where permanent residential accommodation is provided, and the building has a common living area, common kitchen and dining area where meals are provided, and common area where health care, cultural and social services may be provided.
- (9) **CONNECTION** means the coupling of a Building Sewer and a Service Connection at the property line so as to allow the Building Sewer to discharge into the Community Sewer System.
- (10) **DIRECTOR OF FINANCIAL SERVICES** means the Manager of Financial Services of the Regional District, including any person designated as the Acting Director and any person appointed or designated by the Regional Board to act on her or his behalf or to carry out the function of the Director under this Bylaw.
- (11) **DISCHARGE** means:
 - a) used as a noun, means any substance that is directly or indirectly introduced into a sewer or sewage facility by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means;

- b) used as a verb, means to directly or indirectly introduce a substance into a sewer or sewage facility by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

(12) **DOMESTIC SEWAGE** means sewage produced on a residential premise, or sanitary waste and wastewater from showers and restrooms washbasins produced on a non-residential premise.

(13) **ENACTMENT** an enactment as defined in the *Interpretation Act* (British Columbia) by a federal, provincial, regional or municipal government or their authorized representative.

(14) **FAILURE** means any break, leak, blockage, stoppage, malfunction, or other form of disrepair.

(15) **GROUND WATER** means water in a saturation zone or stratum beneath the surface of land or below a surface water body.

(16) **HIGHWAY** includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

(17) **INFLOW AND INFILTRATION** means water that enters a sewer system:

- (a) As inflow directly from a storm water connection,
- (b) As infiltration indirectly through the land, or
- (c) through both (a) and (b).

(18) **MANAGER** means the Manager of Water Services of the Regional District, including any person designated as the Acting Manager and any person appointed or designated by the Regional Board to act on her or his behalf or to carry out the function of the Manager under this Bylaw.

(19) **MOBILE HOME** means a structure, whether or not ordinarily equipped with wheels, that is:

- (a) designed, constructed or manufactured to be moved from one place to another by being towed or carried, and
- (b) used or intended to be used as living accommodation.

(20) **MOBILE HOME PARK** means the Parcel or Parcels, as applicable, on which one (1) or more mobile home sites and common areas are located.

(21) **MOBILE HOME SITE** means a site in a mobile home park, in which the site is occupied or intended to be occupied by a tenant or licensee for the purpose of being occupied by a mobile home.

(22) **NOTICE** means a "NOTICE TO CONNECT".

- (23) **NOTICE TO CONNECT** means an order issued by the Manager or an Officer to an owner of a Parcel or premise that requires that owner to install and maintain a building sewer and/or service connection from the premise to the community sewer system.
- (24) **OFFICER** means an employee of the Regional District who implements and enforces this Bylaw, including the Engineering Technologist of Water Services, Project Engineer of Water Services, a Building Inspector, or a Bylaw Enforcement Officer, or any person designated by the Regional District to act on her or his behalf to carry out the function of the Officer under this Bylaw.
- (25) **ORDER** means an order issued under this Bylaw.
- (26) **OWNER** means:
- (a) in respect of property, has the same meaning as defined in the *Community Charter*;
 - (b) in respect of a business, means the owner, manager, president, or person who may otherwise act on behalf of a business;
 - (c) in respect of waste, means the person who produces, discharges, carries, possesses, or is otherwise responsible for that waste.
- (27) **PARCEL** means any lot, block, or other area in which land is held or into which it is subdivided, but does not include a highway.
- (28) **PREMISES** means a Parcel of land, including any buildings or structures or both or any part thereof that have a Service Connection.
- (29) **PROPERTY** includes land and improvements.
- (30) **REGIONAL DISTRICT** means the Regional District of Nanaimo
- (31) **SANI-DUMP** means any facility that is used or may be used for the discharge of recreational vehicle waste to a sanitary sewer.
- (32) **SANITARY SEWAGE** means human excreta and waterborne waste from the non-commercial and non-industrial preparation and consumption of food and drink, dishwashing, bathing, showering, and general household cleaning and laundry. Includes domestic sewage.
- (33) **SANITARY SEWER** means a sewer which carries sanitary sewage but which is not intended to carry storm water, ground water, or uncontaminated water.
- (34) **SERVICE AREA** means the area defined by Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017 including any of its amendments or any bylaw that may replace it.
- (35) **SERVICE CONNECTION** means any sewer extending from a community sewer system to a property line.

- (36) **SEWAGE** means the composite of water wastes and water-carried wastes from residential commercial, industrial, or institutional premises or any other source.
- (37) **SEWER SYSTEM** means all pipes, conduits, drains, pumps, and other equipment and facilities owned by the Regional District for the purpose of providing sewage collection, conveyance, treatment, and/or disposal.
- (38) **STORM WATER** means water resulting from natural precipitation from the atmosphere, including water from inflow and infiltration;
- (39) **THREAT TO HUMAN OR ENVIRONMENTAL HEALTH OR THE ENVIRONMENT** means any condition, thing, or activity that causes or may cause:
- (a) a health hazard, as defined in the *Public Health Act*;
 - (b) a health impediment, as defined in and prescribed under the *Public Health Act*;
 - (c) pollution, as defined in the *Environmental Management Act*; or,
 - (d) effluent to be introduced into the environment, as defined in the *Environmental Management Act*.
- (40) **WASTE** means any substance that is or is intended to be discharged or discarded to the Community Sewer System, including sewage.
- (41) **WATER** means any water including seawater, surface water, groundwater, storm water and ice.

PART II: WASTE DISCHARGES

4. DISCHARGE RESTRICTIONS

A person must not discharge or allow or cause to be discharged any waste to any sewer or plumbing fixture that ultimately discharges to a Community Sewer System that:

- (1) contravenes Bylaw No. 1730;
- (2) causes or may cause any nuisance;
- (3) interferes or may interfere, in any manner, with the proper functioning, maintenance, or repair of any sewer.

5. BYLAW No. 1730 SHALL PREVAIL

Where there is conflict between this Bylaw and Bylaw No. 1730, Bylaw No. 1730 shall prevail.

PART III: SERVICE CONNECTIONS

6. NUMBER OF CONNECTIONS

Each Parcel that is Capable of Connection shall have one (1) Service Connection, unless the Regional Board approves an additional connection to address issues regarding the configuration of buildings and structures on the Parcel.

7. PARCELS OUTSIDE SERVICE AREA

A person must not connect a Parcel to the Community Sewer System if that Parcel is outside the service area, or if the connection of that Parcel to a Community Sewer System contravenes or is not consistent with any applicable official community plans or other enactments unless:

- (1) the Parcel's existing sewerage system causes or may cause threat to human health or the environment;
- (2) the connection is approved by the Regional Board;
- (3) a covenant to restrict development is placed on the Parcel to be included; and,
- (4) the service area is amended to include that Parcel.

8. MANDATORY CONNECTION TO SANITARY SEWER SERVICE

- (1) Following the completion and commissioning of the wastewater treatment plant, an owner of a Parcel within the Service Area that is Capable of Connection must connect or cause any building on the Parcel to be connected to the Community Sewer System by means of a Service Connection and Building Sewer.
- (2) The Manager or an Officer may issue a Notice to Connect to an Owner of any Parcel that is Capable of Connection to require the Owner to carry out the connection of a building or structure within the time period specified in the Notice to Connect: and,
 - a) a Notice to Connect may be issued in the form and manner set out in Schedule 'A';
 - b) an Owner of the Parcel must, at her or his expense, install and maintain the Building Sewer and any other works as specified in the Notice to Connect;
 - c) an owner of the Parcel must, at her or his expense, do all things necessary to meet the requirements of the Notice to Connect, including site excavation and remediation.
- (3) An Owner must comply with all applicable provisions of this bylaw in carrying out the connection referred to in subsections (1) and (2).
- (4) Where an Owner fails or neglects to connect a Parcel under this section by the time stipulated for connection, the user charge referred to in section 26 applies as if the Parcel had been connected.

9. DELIVERY OF THE NOTICE

- (1) A Notice to Connect will be sent by registered mail or delivered by personal service to an Owner of a Parcel that is Capable of Connection. The Notice will require the Owner to connect or cause to be connected the buildings or structures on the Parcel to the Sewer Connection within the period specified in the Notice to Connect. The period specified will not be less than four months and not more than eight months after the date on the Notice to Connect.
- (2) The Notice will be deemed to have been received upon service or three days after mailing.

10. FAILURE TO COMPLY

- (1) An Owner must not fail to connect a building or structure on the Parcel to the Sewer Connection on or before the expiry of the time stipulated in the Notice to Connect.
- (2) After the expiry of the dates specified in the Notice to Connect for the Parcel, the user charge under section 26 applies to a Parcel that is Capable of Connection, to be determined in accordance with Schedule 'C', whether the connection has been made or not.

11. CONNECTION LOCATION AND DEPTH

- (1) The Manager or an Officer may designate the location of the Service Connection and/or the Building Sewer;
- (2) The Manager or an Officer may determine the depth of the Service Connection and/or the Building Sewer;
- (1) Where a gravity sewer system is available, a person must install the Building Sewer with sufficient depth to provide gravity flow from the lowest floor of any building or structure, except where gravity flow is made impractical by the relative elevation of the sewer and the lowest floor of the building or structure or by any other cause.
- (2) Where a pressurized sewer system is available, the installation of an on-site pressure-building system including pump and service pipe is required.

12. CONNECTION TO SERVICE CONNECTION

- (1) Where a Service Connection to a Parcel has not been installed, an Owner must install a Service Connection prior to installing a Building Sewer;
- (2) Where an Owner installs a Building Sewer prior to installation of the Service Connection, the Regional District is not responsible for meeting the elevation of the Building Sewer or connecting the Community Sewer System to the Building Sewer.

PART IV: CONNECTION RESTRICTIONS

13. CROSS-CONNECTIONS PROHIBITED

A person must not directly or indirectly connect or cause to be connected any roof drain, perimeter drain, rock pit, sump pump, basement drain, or other storm water drain to the Community Sewer System.

14. ILLEGAL CONNECTIONS

A person must not connect or allow to be connected any Parcel to the Community Sewer system:

- (1) without the required permits or written authorization from the Manager or an Officer;
- (2) contrary to the provisions of this Bylaw.

15. DISCONNECTION OF CROSS-CONNECTIONS AND ILLEGAL CONNECTIONS

- (1) The Manager or an Officer may order the immediate disconnection, stopping up, and closing of a Service Connection at the expense of the Owner for:
 - (a) contravention of any provision of this Bylaw,
 - (b) failure to maintain the Building Sewer or any other plumbing on the Parcel to the standard of the B.C. Plumbing Code or any other applicable Enactment;
 - (c) the discharge of any waste contrary to this Bylaw or Bylaw No. 1730.

16. DAMAGE AND ALTERATIONS

A person must not:

- (1) damage, destroy, uncover, deface, alter or otherwise tamper with any part of the sewer system;
- (2) make any alteration or connection to a sewer system without obtaining the required permits or written authorization from the Manager or an Officer.

PART V: APPLICATION, CONSTRUCTION, AND PERMITTING

17. BYLAW No. 500 AND BYLAW No. 1250 SHALL PREVAIL

- (1) Where there is a conflict between this Bylaw and Bylaw No. 500, Bylaw No. 500 shall prevail;
- (2) Where there is a conflict between this Bylaw and Bylaw No. 1250, Bylaw No. 1250 shall prevail.

18. APPLICATION AND PERMIT FOR SEWER INSTALLATION

- (1) An Owner wishing to connect a Parcel to the Community Sewer System shall make an application to the Regional District in the same manner and form as prescribed by Bylaw No. 500 and/or Bylaw No. 1250.

19. CONNECTION FEE

- (1) In addition to any other charges or fees, an Owner must pay the Service Connection fee as prescribed in Schedule 'B' of this Bylaw at the time of application for the purpose of the connection of the Building Sewer to the Service Connection.
- (2) The Service Connection fee is non-refundable.

20. CONSTRUCTION STANDARDS

- (1) Any Building Sewer or Service Connection must be built and maintained in accordance with the B.C. Building Code, B.C. Plumbing Code, Bylaw No. 500, Bylaw No. 1250 and any other federal, provincial, regional, or municipal enactments that govern the installation and maintenance of sewer systems.

21. SANI-DUMP REQUIREMENTS

- (1) A person must not construct, install, or operate a sani-dump on any Parcel, unless permission is obtained from the Manager or an Officer;

- (2) A person who receives permission under 21(1), must comply with Bylaw No. 1730.

PART VI: SEWER MAINTENANCE

22. RESPONSIBILITY OF OWNER

The installation, repair, maintenance, and operation of any Building Sewer are at the sole expense and responsibility of the Owner of the Parcel on which that Building Sewer is located.

23. BLOCKAGES AND REPAIR

Where there is any failure to a service connection or building sewer, the Owner of the Parcel must:

- (1) first determine the location of the failure;
- (2) if a failure is found to exist in the building sewer, the Owner of the Parcel must remedy the failure, at her or his expense;
- (3) if a failure is found to exist in the Service Connection, the Owner of the Parcel must immediately notify the Manager or an Officer, and all costs incurred by the Regional District in restoring the Service Connection must be paid by the Owner of the Parcel served by the Service Connection.

PART VII: ABANDONMENT

24. ABANDONMENT OF SEWER

When any building sewer is abandoned, the Owner of the Parcel must notify the Manager or an Officer and the Owner must effectively block up the Building Sewer at the Service Connection with a water tight seal approved by the Manager or an Officer.

25. ABANDONMENT OF ON-SITE SEWERAGE SYSTEM

Within 30 days of the completion of the Service Connection, the Owner of the Parcel shall pump-out and abandon or decommission any existing septic tank or holding tank on the Parcel in accordance with all applicable enactments and standards. Tank contents shall be disposed of in a lawful manner.

PART IX: USER CHARGES

26. BOWSER VILLAGE USER CHARGES

The Owner of a Parcel that is within the Service Area and that is connected to the Community Sewer System must pay the user charge based on the use or class of user as prescribed in Schedule 'C'. Where the use or class of user cannot be determined, the zoning designation will be used to determine the charges.

PART X: BILLING AND PAYMENT

27. BILLING AND PAYMENT GENERAL

- (1) Invoices for user charges will be issued annually on May 16th. The Regional District may vary billing dates as it deems necessary or desirable.
- (2) Invoices for user charges are due and payable on the date set out in the invoice.
- (3) Despite subsections (1) and (2) in the case of a new connection, the user charge may be invoiced after May 16 of the year in which the new connection is made; and may be prorated to a portion of the year; and shall be due and payable on the date set out in the invoice.
- (4) Billing complaints and requests for adjustments must be received by the Regional District within one year of the applicable invoice's due date. Requests received after that time will not be considered.
- (5) Invoices that remain unpaid after the 31st of December in any year shall be deemed to be taxes in arrears with respect to the Parcel in respect of which the user charge was imposed, in accordance with the *Local Government Act*.
- (6) The Director of Financial Services is authorized to make billing adjustments in accordance with applicable Regional District of Nanaimo policy.
- (7) User charges for new connections shall be calculated from the first (1st) of the month.
- (8) The Owner of a Parcel must notify the Regional District of a change of use of the Parcel.

28. BILLING FOR ABANDONED SEWERS

- (1) Where a building sewer is abandoned in accordance with section 24 of this Bylaw and upon the approval of the Manager or an Officer, user charges imposed by this Bylaw may be suspended for that Parcel unless that connection becomes re-commissioned or is replaced by another connection on that same Parcel.

PART XI: ENFORCEMENT

29. RIGHT OF ENTRY FOR INSPECTION

Pursuant to section 419 of the *Local Government Act*, and subject to section 16 of the *Community Charter*, the Manager, an Officer or agent may enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements are being met.

30. OFFENCE AND MAXIMUM PENALTY

A person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty not exceeding \$2,000.

31. OTHER REMEDIES

Nothing in this Bylaw shall limit the Regional District from pursuing any other remedies that are otherwise available to the Regional District at law.

PART XII: GENERAL

32. OTHER ENACTMENTS

Nothing in this Bylaw shall be interpreted as relieving a person from complying with other applicable enactments.

33. SCHEDULES

- (1) The schedules appended hereto shall be deemed to be an integral part of this Bylaw;
- (2) An employee of the Regional District may update, re-format, or edit any application, notice, or other form that accompanies a schedule as necessary, including both paper and digital forms, without an amendment to this Bylaw provided that the changes or edits made comply with this Bylaw.

34. SEVERABILITY

If any provision of this Bylaw is found to be invalid or unenforceable by a court of competent jurisdiction, it may be severed from the Bylaw, and such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions.

35. HEADINGS

The headings and the table of contents in this Bylaw are inserted for convenience of reference only and in no way limit, expand, or alter the contents of this Bylaw.

Introduced and read three times this ____ day of _____, ____.

Adopted this ____ day of _____, ____.

CHAIRPERSON

CORPORATE OFFICER

Schedule 'A' to accompany
"BYLAW NO. 1773, 2018".

CHAIR

CORPORATE OFFICER

1. SCHEDULE 'A': NOTICE TO CONNECT

A notice to connect shall include the information substantially as prescribed in this schedule:

1. NOTICE TO CONNECT

The Notice to Connect will be prepared in writing and sent by mail, and shall contain not less than the following information:

- (1) The name of an owner of the Parcel to be connected;
- (2) The civic address of the Parcel to be connected;
- (3) A statement of the requirement that the Parcel must be connected to the sewer system;
- (4) A statement of the requirement that the Building Sewer must be constructed, installed, and maintained at the expense of the owner;
- (5) A statement of the requirement that the Building Sewer must be constructed to the then current standards of the B.C. Building Code, B.C. Plumbing Code, and any other applicable enactments;
- (6) Any requirements or conditions of the construction of the Building Sewer, including:
 - (a) the date by which the Parcel must be connected,
 - (b) that any on-site sewerage system, such as septic tanks or holding tanks, must be abandoned or decommissioned at the expense of the owner,
 - (c) any other applicable requirements or conditions;

2. USER FEE

- (7) That if an Owner fails to comply with the Notice to Connect by the required date, the Regional District may charge a user fee against a Parcel that is Capable of Connection; and
- (8) The name, contact information, and signature of the Manager or Officer issuing the notice.

Schedule 'B' to accompany
"BYLAW NO. 1773, 2018".

CHAIR

CORPORATE OFFICER

2. SCHEDULE 'B': CONNECTION FEE

The connection fee is set as follows:

\$300.00

NOTES:

These connection fees are for work within the road right-of-way. Further costs to physically connect to the Community Sewer System including costs of the Building Sewer are at the expense of the property owner.

Schedule 'C' to accompany
"BYLAW NO. 1773, 2018".

CHAIR

CORPORATE OFFICER

3. SCHEDULE 'C': BOWSER VILLAGE USER CHARGES

Rates Payable:

Classification of Parcel or Use and Basis for Charge:	Annual Rate
Single-family dwellings, townhouses, and duplexes – per unit	\$879
Multi-family dwellings – per unit	\$879
Cafes and Restaurants – per CRU (Commercial Retail Unit)	\$1,047
Camping – per building	\$879
Camping – per space with a sewer connection	\$561
Churches, Public Halls, Community Centers and similar facilities – per building or use	\$654
Congregate Care Facility – per bed	\$440
Hotels / Motels – per room	\$879
Laundry, Laundromat, or Dry Cleaners – per washer	\$879
Licenses Premises – per building or use	\$879
Mobile Homes – per site within a Mobile Home Park	\$879
Mobile Homes – per unit where the unit is not located within a Mobile Home Park	\$879
Commercial premises – per CRU (Commercial Retail Unit)	\$1,047
Schools – per classroom	\$1,319