



COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

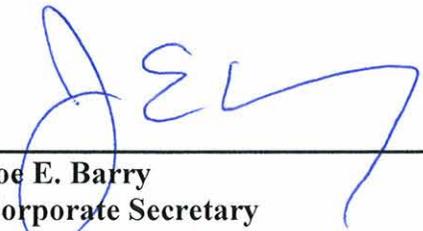
DAY: WEDNESDAY

DATE: SEPTEMBER 9, 2009

**TIME: → REGULAR SESSION
6:00 P.M.**

PLACE: BOARD ROOM

175 INGRAM STREET



**Joe E. Barry
Corporate Secretary**



C·V·R·D

REGULAR BOARD MEETING

WEDNESDAY, SEPTEMBER 9, 2009

6:00 PM - CVRD BOARD ROOM

AGENDA		PAGES
1.	<u>APPROVAL OF AGENDA:</u>	2-5
2.	<u>ADOPTION OF MINUTES:</u>	
	M1 Adoption of minutes of Board meeting – August 12, 2009	6-22
	M2 Adoption of minutes of Special Board meeting - August 26, 2009	23-29
3.	<u>BUSINESS ARISING FROM THE MINUTES:</u>	
4.	<u>DELEGATIONS</u>	
5.	<u>REPORT OF THE CHAIRPERSON:</u>	
6.	<u>CORRESPONDENCE:</u>	
7.	<u>INFORMATION:</u>	
8.	<u>COMMITTEE REPORTS:</u>	
	CR1 Regional Services Committee – Director Kent Report and Recommendations of Meeting of August 26, 2009	30
	CR2 Electoral Area Services Committee – Director Harrison Report and Recommendations of Meeting of September 1, 2009	To Be Distributed 31
	CR3 Engineering Services Committee - Director Cossey Report and Recommendations of Meeting of August 26, 2009	32-33
	CR4 Health Authority Advisory Committee - Director Seymour Report and Recommendations of Meeting of August 12, 2009	34
9.	<u>STAFF REPORTS:</u>	
	SR1 Staff Report from the Deputy Corporate Secretary Re: Results of Alternative Approval Process - Bylaw No. 3085 - Cobble Hill Drainage.	35-36
	SR2 Staff Report from the Deputy Corporate Secretary Re: Results of AAP - Bylaw No. 3272 - Sahtlam Fire Protection Loan Authorization.	37-38

SR3 Staff Report from the Acting General Manager Public Safety 39
Re: West Nile Virus Update.

10. **PUBLIC HEARINGS:**

11. **BYLAWS:**

B1	"CVRD Bylaw No. 3085 - Cobble Hill Drainage System Service Establishment Bylaw, 2008", adoption.	40-42
B2	"Cowichan Valley Regional District Bylaw No. 3244 - Bald Mountain Sewer System Management Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	43-91
B2	"Cowichan Valley Regional District Bylaw No. 3244 - Bald Mountain Sewer System Management Bylaw, 2009", adoption.	
B3	"Cowichan Valley Regional District Bylaw No. 3245 - Bald Mountain Water System Management Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	92-122
B3	"Cowichan Valley Regional District Bylaw No. 3245 - Bald Mountain Water System Management Bylaw, 2009", adoption.	
B4	"CVRD Bylaw No. 3272 - Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009", adoption.	123-124
B5	"CVRD Bylaw No. 3291 - Cowichan Bay Sewer Service Area Amendment Bylaw, 2009", adoption.	125-127
B6	"CVRD Bylaw No. 3293 - Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009", adoption.	128-130
B7	"CVRD Bylaw No. 3296 - Brulette Place Sewer System Service Establishment Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	131-133
B8	"CVRD Bylaw No. 3297 - Brulette Place Sewer System Service Loan Authorization Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	134-135
B9	"CVRD Bylaw No. 3298 - Kerry Village Water System Service Amendment Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	136-137
B10	"CVRD Bylaw No. 3299 - Kerry Village Sewer System Service Amendment Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	138-139
B11	"Cowichan Valley Regional District Bylaw No. 3304 - Bald Mountain Drainage System Management Bylaw, 2009", 1 st , 2 nd and 3 rd reading.	140-153
B11	"Cowichan Valley Regional District Bylaw No. 3304 - Bald Mountain Drainage System Management Bylaw, 2009", adoption.	

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|-----|--|---------|
| B12 | "Cowichan Valley Regional District Bylaw No. 3318 - Tax Exemption (Permissive) Bylaw, 2009", 1 st , 2 nd and 3 rd reading. | 154-155 |
| B13 | "Cowichan Valley Regional District Bylaw No. 3319 - Lambourn Estates Water System Management Amendment Bylaw, 2009", 1 st , 2 nd and 3 rd reading. | 156-160 |
| B13 | "Cowichan Valley Regional District Bylaw No. 3319 - Lambourn Estates Water System Management Amendment Bylaw, 2009", adoption. | |
| B14 | "CVRD Bylaw No. 3320 - Cowichan Aquatic Centre Annual Contribution Service Establishment Bylaw, 2009", 1 st , 2 nd and 3 rd reading. | 161-162 |
| B15 | "CVRD Bylaw No. 3321 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Land and Central Parks Projects) Bylaw, 2009", 1 st , 2 nd and 3 rd reading. | 163-164 |
| B15 | "CVRD Bylaw No. 3321 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Land and Central Parks Projects) Bylaw, 2009", adoption. | |

Electoral Area Directors only vote on the following bylaws under Part 26 OR Section 791 of the *Local Government Act*:

- | | | |
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| B16 | "CVRD Bylaw No. 3282 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cowichan River Bible Camp), 2009", 3 rd reading. | 165-168 |
| B17 | "Cowichan Valley Regional District Bylaw No. 3316 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Clifford/Wiggens), 2009", 1 st and 2 nd reading. | 169-173 |
| B18 | "Cowichan Valley Regional District Bylaw No. 3317 - North Oyster/Diamond Zoning Amendment Bylaw (Clifford/Wiggens), 2009", 1 st and 2 nd reading. | 174-178 |
12. **RESOLUTIONS:**
13. **UNFINISHED BUSINESS:**
14. **NOTICE OF MOTION:**
15. **NEW BUSINESS:**
16. **QUESTION PERIOD:**
- a) Public
- b) Press
17. **CLOSED SESSION:**
- | | | |
|------|---|---------|
| CSM1 | Adoption of Closed Session Minutes of August 12, 2009 | 179-182 |
|------|---|---------|

CSM2	Adoption of Closed Session Special Minutes of August 26, 2009	183-184
CSCR1	Litigation {Sub (1) (g)}	To Be Distributed 185

18. ADJOURNMENT:

The next Regular Board meeting will be held October 14, 2009 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

M1

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, August 12, 2009 at 6:07 pm.

PRESENT: Chair G. Giles
Directors K. Cossey, M. Dorey, L. Duncan, B. Harrison,
R. Hutchins, L. Iannidinardo, K. Kuhn, M. Marcotte,
T. McGonigle, I. Morrison, G. Seymour, and T. Walker
Alternate Director R. Cadorette

ALSO

PRESENT: Warren Jones, Administrator
Joe Barry, Corporate Secretary
Ron Austen, General Manager,
Parks, Recreation and Culture
Brian Farquhar, Park and Trails Manager
David Leitch, Manager, Water Management

ABSENT: Directors D. Haywood and P. Kent

**APPROVAL OF
AGENDA
09-385**

It was moved and seconded that the agenda be amended with the addition of the following New Business Items:

**NB1 Kerry Park Recreation Centre Commission – Director Harrison
Report and Recommendations of Meeting held August 7, 2009;**

**NB2 Kinsol Trestle Revitalization Committee – Director Giles
Report and Recommendations of Meeting held July 8, 2009;**

**NB3 Staff Report from the Corporate Secretary, Re: Kerry Park
Recreation Centre – Renovation, Aquatic Centre, and Loan
Authorization;**

**NB4 "Cowichan Valley Regional District Bylaw No. 3300 – Kerry
Park Recreation Centre Capital Renovation and Aquatic Centre
Service Establishment Bylaw, 2009", 1st, 2nd and 3rd reading;**

**NB5 "Cowichan Valley Regional District Bylaw No. 3301 – Kerry
Park Recreation Centre Capital Renovation and Aquatic Centre
Loan Authorization Bylaw, 2009", 1st, 2nd and 3rd reading;**

NBCSIN1 Employee Relations {Sub 90 (1) (c)}; and

NBCSIN2 Litigation {Sub 90 (1) (g)};

And further that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES
09-386**

It was moved and seconded that the minutes of the July 8, 2009 Regular Board meeting be adopted.

MOTION CARRIED

**BUSINESS
ARISING FROM
THE MINUTES
09-387**

Chair Giles discussed the resolution that was passed regarding amending various Parks Commission bylaws to include a Co-Chair.

It was moved and seconded that Resolution No. 09-348(5) be rescinded.

MOTION CARRIED

Director Morrison elaborated on the matter of the recent hydro power surge and resultant damages in Electoral Area F which resulted in the Board sending a letter to BC Hydro (Resolution No. 09-348.6)

09-388

It was moved and seconded that the Chair send a letter to the BC Utilities Commission, with a copy to BC Hydro, expressing the CVRD's dissatisfaction with BC Hydro's unsatisfactory response to the recent power surge and resultant damages in the Cowichan Lake area; and that the BC Utilities Commission direct BC Hydro to resolve this matter in a timely fashion.

MOTION CARRIED

REPORT OF CHAIRPERSON

RC1

Chair Giles extended an invitation to all Directors to attend the 100th Annual Cobble Hill Fair on August 29, 2009 and highlighted the rededication of the Cobble Hill Cenotaph on Saturday.

Chair Giles noted that, resulting from the recent Environment Commission meeting, a tour of the Cowichan River would be arranged and that dates will be forwarded by herself to Directors.

Chair Giles also noted that a working session on the environment will be arranged on September 24th from 12 noon until 5:00 pm and that the CVRD Board of Directors and municipal councils will be invited to attend.

COMMITTEE REPORTS

CR1

Report and recommendations from the Regional Services Committee meeting of July 22, 2009, listing five items, were considered.

09-389 It was moved and seconded:

2. That the Board approve the distribution of the CVRD 2009 Annual Budget allocations of \$20,000 in \$1,000 increments to each of the six (6) Community Torch Relay Communities within the Cowichan Valley Torch Relay Routes (Mill Bay, Cowichan Bay, Lake Cowichan, Crofton, Chemainus and Ladysmith) and that the remaining \$14,000 of the Fund be distributed to the City of Duncan / District of North Cowichan / Cowichan Tribes Olympic Torch Relay Community Celebration Committee for region – wide marketing and promotion purposes.
3.
 1. That the Audit findings report dated June 5, 2009 be received and filed.
 2. That the Independence Letter dated June 5, 2009 be received and filed.
 3. That the Cowichan Valley Regional Hospital District's 2008 Financial Statements be received and filed.

MOTION CARRIED

09-390 It was moved and seconded:

1. That "CVRD Bylaw No. 3003 – Fireworks Sale and Discharge Regulation Bylaw" be forwarded to the Board for consideration of third reading.

Opposed: Director Marcotte

MOTION CARRIED

Recommendation Nos. 4 and 5 were no longer required due to the Honeymoon Bay Days fireworks being cancelled.

CR2 Report and recommendations of the Electoral Area Services Committee meeting held August 4, 2009, listing twenty-one items, were considered.

09-391 It was moved and seconded:

1. That staff be authorized to prepare a Reserve Fund Expenditure Bylaw authorizing the expenditure of a maximum of \$10,000 from Reserve Fund Bylaw No. 1301 (Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment Bylaw No. 1, 1990), for the purpose of acquiring an imaging camera, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

2. 1. That CVRD Bylaw No. 3293 – Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.
2. That CVRD Bylaw No. 3294 – North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.
3. That a Reserve Fund Expenditure Bylaw be prepared authorizing the expenditure of no more than \$40,000 from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) for the purpose of completing the dismantling of the old store building in Mesachie Lake Park and installation of lighting in Central Park; and that the Bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Director Cossey and two other Directors, who have not had the opportunity to attend a FCM in the past, be invited to attend the FCM 2010 Conference.
5. That CVRD Development Application Procedures and Fees Bylaw No. 3275 be forwarded to the Regional Board for consideration of Three Readings and Adoption.
6. That Application No. 5400-04 Proposed Closure of Mill Bay Road (MoT File No. 2009-04276) be recommended without objection to the Ministry of Transportation and Infrastructure.
7. That Application No. 5400-04 proposed Closure of Heald Road (MoT File No. 2008-00055) be recommended without objection to the Ministry of Transportation and Infrastructure.
8. That a Grant-in-Aid request (Electoral Area B – Shawnigan Lake) in the amount of \$250 be given to Cowichan Green Community to aid with the 2nd Annual Fall Harvest and Sustainability Festival.
9. That a Grant-in-Aid request (Electoral Area D – Cowichan Bay) in the amount of \$250 be given to Cowichan Green Community to aid with the 2nd Annual Fall Harvest and Sustainability Festival.

10. That a Grant-in-Aid request (Electoral Area D – Cowichan Bay) in the amount of \$1,000 be given to Bruce Stewart/Cittaslow Cowichan to assist with costs for the signage for Cittaslow at the Cowichan Bay Entrance Sign.
11. That a Grant-in-Aid request (Electoral Area C – Cobble Hill) in the amount of \$5,500. be given to Shawnigan Cobble Hill Farmers Institute to promote Cobble Hill and its agricultural industry through signage.
12. That the request from the Developer of the Briarwood Green project for the extension of water and sewer utility services through Hollings Creek Park in Electoral Area A be approved, subject to the following conditions:
 - The Developer, at their cost, replace the existing wood culvert on Handysen Creek within Hollings Creek Park with a new culvert or like structure as approved by the Ministry of Environment and construct a Type 3 Pedestrian/Cycling Trail between Lilmac Road and Briarwood Drive over the upgraded crossing to CVRD Parks and Trails Division standards.
 - That the lands along Handysen Creek bounded to the north and south by Hollings Creek Park be dedicated to the Regional District as a titled lot for park purposes to complete the park corridor along Hollings Creek within the proposed subdivision development area and that such dedication be approved through the up to 50 Percent Public Land Dedication Provisions of the Mill Bay/Malahat Zoning Bylaw.
 - That a trail corridor of no less than 4.0 metres in width be dedicated as a titled lot to the Regional District between the proposed cul de sac on Briarwood Drive and Hollings Creek Park to facilitate the Type 3 Pedestrian/Cycling Trail between Briarwood Drive and Lilmac Road.
 - The Developer, at their cost, construct a new pedestrian trail to the CVRD Type 2 Trail Standard between the upgraded crossing of Handysen Creek downstream along the west side of Handysen Creek to Hollings Creek, complete with a pedestrian bridge crossing over Hollings Creek, all within Hollings Creek Park, and from the Hollings Creek Crossing to Bourbon Road in Kerry Village, with said trail alignment and bridge crossing to be locations approved by the Regional District. A irrevocable letter of Credit in an amount of 120 percent of the estimated value of the works, as approved by the CVRD, will be provided to the Regional District prior to

installation of the sewer and water services within the park.

- That all works through Hollings Creek Park are subject to CVRD approval to ensure the impacts to the park are minimized and that the works include appropriate environmental mitigation and environmental restoration work.
- That a letter of credit be secured from the Developer to cover any potential negative environmental impacts arising from in-stream works or works undertaken within Hollings Creek Park.

MOTION CARRIED

09-392

It was moved and seconded:

13. That Application No. 1-D-09DP be approved, and that a development permit be issued to Wendy and George Kimpfel for Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262 for the construction of a single family dwelling subject to exterior construction works occurring between August 15 and February 15.
15. That the application by Rocky Point Metal Craft (Mid-Island Aggregate Ltd.) for a variance to Schedule 2 (b)(2) of CVRD Sign Bylaw No. 1095, by increasing the allowable size of a freestanding sign within a forestry zone from 1.85 m² to 6.7 m², on Lot 3, District Lot 50 and 132, Malahat District, Plan VIP 85007, be approved.
16. That the application by Mike Weidenfeld for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres down to 0.6 metres, and decreasing the setback to a side interior parcel line for an accessory building from 1 metre to 0.6 metres on Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361, be approved.
17. That the application by Ian and Colleen Main for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres (14.76 ft) to 0.9 metres (3 ft), on Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679, be approved subject to receipt of a legal survey showing the proposed setback.
18. That Application No. 4-A-09 DP be approved, and that a development permit be issued to Alf Webb Holdings Ltd. for Lot 18, Block H, Section 1, Range 9, Shawnigan District, Plan 1720 to permit subdivision of the subject property into two lots.

19. That staff be directed to prepare OSP and Zoning amendment bylaws for Application No. 3-D-08RS (Parhar Holdings Ltd.) in the manner suggested by staff that would:
 - a) permit a range of smaller scale light industrial and commercial uses;
 - b) that would reduce the permitted parcel coverage from 50%;
 - c) that would establish setbacks as currently proposed by the applicant;
 - d) that would include the entire subject property in a new DPA with new guidelines; and further that
 - e) the draft bylaws be reviewed by the Electoral Area Services Committee at a subsequent meeting where detailed conditions for approval of the bylaws will also be provided;
 - f) the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division will be reviewed at the above-mentioned meeting; and
 - g) that a public meeting be held to obtain community input with regard to the proposed application.

20. That Rezoning Application 1-A-08RS (Pfaffe) be denied, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3262.

MOTION CARRIED

(Amended from Original Committee Recommendation):

09-393

It was moved and seconded:

14. That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under provisions of Section 946 of the *Local Government Act* be denied and not forwarded to the Agricultural Land Commission and that the appropriate refund be given as per the Development Application Procedures and Fees Bylaw.

MOTION CARRIED

09-394 It was moved and seconded:

21. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.

Opposed: Chair Giles

MOTION CARRIED

CR3 Report and recommendations of the Engineering and Environmental Services Committee meeting held July 22, 2009, listing six items, were considered.

09-395 It was moved and seconded:

1. 1. That "CVRD Bylaw No. 3286 – Arbutus Ridge Water System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
2. That "CVRD Bylaw No. 3287 – Arbutus Ridge Water System Loan Authorization Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
3. That "CVRD Bylaw No. 3288 – Arbutus Ridge Sewer System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
4. That "CVRD Bylaw No. 3289 – Arbutus Ridge Sewer System Loan Authorization Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
5. That, following adoption of Bylaw Nos. 3286, 3287, 3288 and 3289, the necessary Asset Transfer Agreements be prepared and that the Chair and Corporate Secretary be authorized to sign the agreements.
2. That "CVRD Bylaw No. 3290 – Arbutus Ridge Drainage System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.

3. 1. That "CVRD Bylaw No. 3280 – Dogwood Ridge Water System Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
2. That "CVRD Bylaw No. 3281 – Dogwood Ridge Water System Loan Authorization Bylaw, 2009", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.
3. That, following adoption of Bylaw Nos. 3280 and 3281, the necessary Asset Transfer Agreement be prepared and the Chair and Corporate Secretary be authorized to sign the agreement.
4. That "CVRD Bylaw No. 3291 – Cowichan Bay Sewer Service Amendment Bylaw, 2009" be forwarded to the Board for consideration of three readings and adoption.
5. That "CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2009" be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

09-396

It was moved and seconded that:

6. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Sewer System Service Area and authorizing the borrowing of up to \$265,000.00, be received.
2. That Service Establishment and Loan Authorization bylaws be prepared and forwarded to the Board for consideration of three readings, and following provincial approval, adoption.
3. That, following adoption of the service establishment and loan authorization bylaws, a Capital Reserve Fund Establishment Bylaw and a Parcel Tax Roll Bylaw be prepared for the Brulette Place Sewer System and further that these bylaws be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

CR4 Report and Recommendations of Parks Committee meeting held August 12, 2009, listing two items, were considered.

09-397 It was moved and seconded

1. That a letter be sent to the Ministry of Forests requesting that the Forest Recreation Reserve #020, within the designation Cobble Hill Mountain Recreation Area, remain excluded from permitted provincial woodlot activities as allowed within Interpretive Forest designated areas due to the high outdoor recreation, ecological and aesthetic values provided within this 275 acre parcel adjacent to the community of Cobble Hill.
2. That application to the "Community Operational Treatment Program" and the "Fuel Management Prescriptions Program" for grant funding, available through the Ministry of Forests and the Union of British Columbia Municipalities to undertake work in five (5) Regional Park sites be approved.

MOTION CARRIED

STAFF REPORTS

SR1 Staff Report from the General Manager, Corporate Services dated July 9, 2009, re: CVRD 5 Year Financial Plan Amendment, was received as information.

SR2 Staff Report from the Division Manager, Water Management dated July 28, 2009, re: Utility Transfer Agreement for the Bald Mountain water, sewer and drainage systems, was considered.

09-398 It was moved and seconded that the Board accept the Utility Transfer Agreement between the CVRD and Cowichan Lake Holdings, for CVRD takeover of the sewer, water and drainage systems for the Bald Mountain development in Electoral Area I, and further that the Chair and Corporate Secretary be authorized to sign the Utility Transfer Agreement.

MOTION CARRIED

PUBLIC HEARINGS

PH1 Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3274 (Hayes), applicable to Electoral Area B – Shawnigan Lake, were considered.

09-399 It was moved and seconded that the Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3274 (Hayes), applicable to Electoral Area B – Shawnigan Lake, be received.

MOTION CARRIED

BYLAWS

B1
09-400 It was moved and seconded that "CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009" be amended by replacing the word "whole" with the words "Electoral Areas" in the first Whereas clause and by replacing the words "burned an" with the words "burned in an" under Section 4. (1) (d).

MOTION CARRIED

B1
09-401 It was moved and seconded that "CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009" be granted 1st, 2nd and 3rd reading, as amended.

Opposed: Directors Kuhn and Morrison

MOTION CARRIED

B1
09-402 It was moved and seconded that "CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009", be adopted.

Opposed: Directors Kuhn and Morrison

MOTION CARRIED

B2 The Board agreed by consensus to deal with Item No. B2 following Item No. B21.

B3
09-403 It was moved and seconded that "CVRD Bylaw No. 3280 - Dogwood Ridge Water System Service Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B4
09-404 It was moved and seconded that "CVRD Bylaw No. 3281 - Dogwood Ridge Water System Service Loan Authorization Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
09-405** It was moved and seconded that "CVRD Bylaw No. 3286 - Arbutus Ridge Water System Service Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
09-406** It was moved and seconded that "CVRD Bylaw No. 3287 - Arbutus Ridge Water System Service Loan Authorization Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B7
09-407** It was moved and seconded that "CVRD Bylaw No. 3288 - Arbutus Ridge Sewer System Service Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B8
09-408** It was moved and seconded that "CVRD Bylaw No. 3289 - Arbutus Ridge Sewer System Service Loan Authorization Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B9
09-409** It was moved and seconded that "CVRD Bylaw No. 3290 - Arbutus Ridge Drainage System Service Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B10
09-410** It was moved and seconded that "CVRD Bylaw No. 3291 - Cowichan Bay Sewer System Service Area Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B11
09-411** It was moved and seconded that "CVRD Bylaw No. 3292 - Five Year Financial Plan (2009 - 2013) Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B11
09-412** It was moved and seconded that "CVRD Bylaw No. 3292 - Five Year Financial Plan (2009 - 2013) Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

B12
09-413 It was moved and seconded that "CVRD Bylaw No. 3293 - Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B13
09-414 It was moved and seconded that "CVRD Bylaw No. 3294 - North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

(Item No. B13 was considered for adoption later in the meeting.)

B14
09-415 It was moved and seconded that "CVRD Bylaw No. 3295 - Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Expenditure (Imaging Camera) Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B14
09-416 It was moved and seconded that "CVRD Bylaw No. 3295 - Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Expenditure (Imaging Camera) Bylaw, 2009", be adopted.

MOTION CARRIED

B15
09-417 It was moved and seconded that "CVRD Bylaw No. 3141 - Area C - Cobble Hill Official Community Plan Amendment Bylaw (TCH Development Permit Area Expansion), 2008", be adopted.

MOTION CARRIED

B16
09-418 It was moved and seconded that "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be adopted.

MOTION CARRIED

B17
09-419 It was moved and seconded that "CVRD Bylaw No. 3274 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Hayes), 2008", be granted 3rd reading.

MOTION CARRIED

**B18
09-420** It was moved and seconded that "CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B18
09-421** It was moved and seconded that "CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009", be adopted.

MOTION CARRIED

**B19
09-422** It was moved and seconded that "CVRD Bylaw No. 3283 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Housekeeping), 2009", be granted 3rd reading.

MOTION CARRIED

**B19
09-423** It was moved and seconded that "CVRD Bylaw No. 3283 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Housekeeping), 2009", be adopted.

MOTION CARRIED

**B20
09-424** It was moved and seconded that "CVRD Bylaw No. 3284 - Area E - Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Cherry Blossom Estates), 2009", be granted 1st and 2nd reading, as amended, by adding the sentence "Fencing shall be provided between any lot and common property other than strata roadways." at the end of Schedule "A", Section 2 (14.9.4) (9).

MOTION CARRIED

**B21
09-425** It was moved and seconded that "CVRD Bylaw No. 3285 - Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009", be granted 1st and 2nd reading, as amended, by inserting the word "is" between the word "size" and the figure "460" in Clause No. 6, under the heading (c) 'Density and Density Bonus'.

MOTION CARRIED

**B2
09-426** It was moved and seconded that staff be directed to prepare an amendment to "Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970" for consideration at the Special meeting of the Board scheduled for Wednesday, August 26, 2009.

Opposed: Director Marcotte

MOTION CARRIED

B2
09-427 It was moved and seconded that the CVRD send a letter to the other six First Nation bands in the Cowichan Valley encouraging a fireworks ban similar to the CVRD and Cowichan Tribes.

MOTION CARRIED

B2
09-428 It was moved and seconded that the CVRD facilitate the offering of a Fireworks Supervisory I Certificate course or equivalent in the Cowichan Valley Regional District.

MOTION CARRIED

RESOLUTIONS

RES1
09-429 It was moved and seconded that the following appointments to the South End Parks Commission be approved:

Terms to Expire November 30, 2010:

Area D – Cowichan Bay Parks and Recreation Commission Chair:
Kerrie Talbot

Area D – Cowichan Bay Parks and Recreation Commission – Member at Large:
Val Townsend

MOTION CARRIED

NEW BUSINESS

NB1
09-430 Report and recommendations from the Kerry Park Recreation Centre Commission meeting held August 7, 2009, listing one item, was considered.

It was moved and seconded that the Board Chair and the Corporate Secretary be authorized to sign a service agreement between the CVRD and the Mill Bay Community League for the Kerry Park Recreation Centre to provide facility booking and maintenance at the Mill Bay Community League Hall from September 2009 to September 2010.

MOTION CARRIED

NB2 Report and recommendations from the Kinsol Trestle Revitalization Committee meeting held July 8, 2009, listing one item, was considered.

It was moved and seconded that the Kinsol Trestle Donor Recognition Opportunities program which provides four special recognition categories inclusive of Trestle Pioneers (gifts and grants of \$100,000 or more), Trestle Trailblazers (gifts and grants of \$10,000 or more), Trestle Engineers (gifts and grants of \$1,000 or more) and Friends of the Trestle (gift under \$1,000) be endorsed as the official recognition program for gifts and grants received in support of the historic Kinsol Trestle Rehabilitation Project.

- 09-431 It was moved and seconded that the motion be amended by changing the *Friends of the Trestle* category to read "Gifts of \$100 and more" and by adding the words "Name on donor wall in shelter at the Kinsol Trestle"; and by creating a new category called supporters of Trestle for gifts under \$100.

MOTION CARRIED

VOTING RESUMED ON THE ORIGINAL RECOMMENDATION AS AMENDED

Motion restated for clarification:

- 09-432 It was moved and seconded that the Kinsol Trestle Donor Recognition Opportunities program which provides five special recognition categories inclusive of Trestle Pioneers (gifts and grants of \$100,000 or more), Trestle Trailblazers (gifts and grants of \$10,000 or more), Trestle Engineers (gifts and grants of \$1,000 or more) and Friends of the Trestle (gifts of \$100 and more), and Supporters of the Trestle (gifts under \$100) be endorsed as the official recognition program for gifts and grants received in support of the historic Kinsol Trestle Rehabilitation Project; and that the words "Name on donor wall in shelter at the Kinsol Trestle" be added to the Friends of the Trestle recognition program.

MOTION CARRIED

- NB3 Staff Report from the Corporate Secretary dated August 12, 2009, re: Kerry Park Recreation Centre – Renovation, Aquatic Centre, and Loan Authorization, was received as information.

- NB4
09-433 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009" be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

NB5
09-434 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3301 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Loan Authorization Bylaw, 2009" be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

RESOLVE INTO CLOSED SESSION

09- 435
7:31 pm It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, Subsections (1) (c), (e), (f) and (g).

MOTION CARRIED

RISE FROM CLOSED SESSION

09- 442
8:42 pm It was moved and seconded that the Board rise without report and return to the Regular portion of the meeting.

MOTION CARRIED

B13
09-443 It was moved and seconded "CVRD Bylaw No. 3294 - North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009", be adopted.

RESCINDED
August 26, 2009
Res.No. 09-449

MOTION CARRIED

ADJOURNMENT

09-444
8:44 pm It was moved and seconded that the Regular Board meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:44 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, August 26, 2009 at 5:08 pm

PRESENT: Chair G. Giles,
Directors K. Cossey, M. Dorey, L. Duncan,
B. Harrison, D. Haywood, R. Hutchins, L. Iannidinaro,
P. Kent, K. Kuhn, M. Marcotte, T. McGonigle,
I. Morrison, G. Seymour and T. Walker

ALSO Warren Jones, Administrator
PRESENT: Joe Barry, Corporate Secretary
Ron Austen, General Manager
Parks, Recreation & Culture
Dave Leitch, Division Manager
Water Management Division
Dominique Beesley, Secretary I

APPROVAL OF AGENDA

09-445

It was moved and seconded that the agenda be amended with the addition of the Chair's Report and New Business items:

NB1 Issues relating to "CVRD Bylaw No. 3300 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009"
CSNB1 Land Acquisition {Sub (1) (e)} and
CSNB2 Land Acquisition {Sub (1) (e)}

and that the agenda, as amended, be approved.

MOTION CARRIED

REPORT OF THE CHAIRPERSON

RC1 The Chair reported that there will be a Cowichan Water Basin River Tour on Sunday, September 13th from 9 am to 3 pm.

RC2 The Chair noted that an Environmental Workshop is being planned for September 24th from noon to 5 pm with further information to come.

COMMITTEE REPORTS

CR1 The report and recommendation of the Kerry Park Recreation Centre Commission meeting of August 18, 2009 listing one item was considered.

09-446 It was moved and seconded that the Vice Chair of the Board and the Corporate Secretary be authorized to sign the South Cowichan Recreation Funding Agreement of August 9, 2009 between the CVRD and Electoral Areas A, B, C, and D respecting the allocation of costs for certain recreation facilities in the South Cowichan area.

MOTION CARRIED

STAFF REPORTS

SR1 Staff Report from the Corporate Secretary dated August 19, 2009 re: Kerry Park Capital Renovation and Aquatic Centre Referendum was considered.

09-447 It was moved and seconded:

1. That the Kerry Park Capital Renovation and Aquatic Centre Referendum be held on Saturday, November 21, 2009.
2. That the following question be submitted to the electors of Electoral Area A - Mill Bay/Malahat; Electoral Area B - Shawnigan Lake; and Electoral Area C - Cobble Hill:

"Are you in favour of the Board of the CVRD adopting "Cowichan Valley Regional District Bylaw No. 3300 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009", which would establish a service for the capital renovation of the Kerry Park Recreation Centre and construction and operation of an Aquatic Centre, and provide for annually requisitioning up to Two Million Three Hundred and Fifty-Five Thousand Dollard (\$2,355,000.) for the service;

and

adopting "Cowichan Valley Regional District Bylaw No. 3301 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Loan Authorization Bylaw, 2009" which would permit the CVRD to borrow up to Twenty-Five Million Dollars (\$25,000,000.) to renovate the Kerry Park Recreation Centre and construct an Aquatic Centre"?

YES or NO?

3. That participating area approval for the Kerry Park Capital Renovation and Aquatic Centre Referendum is to be obtained for the entire proposed service area.
4. That the Board approves the following synopsis of Bylaws No. 3300 and No 3301 to be used for the Notice of Voting:

Bylaw No. 3300 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw. This bylaw provides for the following:

- establishing a service to provide for the capital renovation of the Kerry Park Recreation Centre and construction and operation of an Aquatic Centre;
- establishing the boundaries of the service area as the whole of: Electoral Area A - Mill Bay/Malahat; Electoral Area B - Shawnigan Lake; and Electoral Area C - Cobble Hill;
- annually requisitioning the greater of \$0.7481 per \$1,000 of net taxable value of land and improvements within the service area or Two Million Three Hundred and Fifty-Five Thousand Dollars (\$2,355,000.).

Bylaw No. 3301 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Loan Authorization Bylaw. This bylaw authorizes borrowing up to Twenty-Five Million Dollars (\$25,000,000.) for the renovation of the Kerry Park Recreation Centre and the construction of an Aquatic Centre. The funds would be borrowed on a 30-year term.

5. That Kathleen Harrison be appointed Chief Election Officer and Rosa Johnston be appointed Deputy Chief Election Officer for the Kerry Park Capital Renovation and Aquatic Centre Referendum to be held on Saturday, November 21, 2009.

MOTION CARRIED

SR2

Staff Report from the Manager, Island Savings Centre dated August 19, 2009 re: Recommendation to Approve an Application to the BC Liquor Control and Licensing Branch to Allow Alcohol Consumption the Cowichan Arena and West Suites was considered.

09-448

It was moved and seconded:

1. That the Cowichan Valley Regional District Board request that the Liquor Control and Licensing Branch approve the amendment to allow alcohol consumption in the Cowichan Arena bleachers and the West Suites.
2. That, as required by the LCLB, the Board of the Cowichan Valley Regional District has considered the following items: the potential for noise; the impact on the community; whether the amendment will result in the establishment being operated in a manner that is contrary to its primary purpose; and the views of the residents; and offers the following comments:
 1. Noise: as the facility is surrounded by Green Belt, the surrounding residents are not impacted. The license change will allow alcohol consumption in not only the Heritage Hall, but also the Cowichan Arena bleachers and West Suites.
 2. Impact on the Community: history of arena events and Cowichan Valley Capital hockey games has been well received and supported by the community.
 3. Purpose: to bring past practice into compliance with LCLB regulations and requirements.
 4. Impact on Residents: the amendment does not affect nearby residents as the nature of the expanded area is contained entirely within the existing arena.
3. The Cowichan Valley Regional District Board supports the application amendment to expand licensing to include the Cowichan Arena bleachers and the West Suites.

MOTION CARRIED

SR3

Staff Report from the Corporate Secretary dated August 19, 2009 re: CVRD Bylaw No. 3303 - Fireworks Sale and Discharge Regulation Amendment Bylaw, 2009" was considered for information.

SR4

Staff Report from the Corporate Secretary dated August 20, 2009 re: CVRD Bylaw No. 3294 - North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009" was considered.

09-449 It was moved and seconded that Resolution No. 04-443 be rescinded.

MOTION CARRIED

BYLAWS

B1
09-450 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3303 - Fireworks Sale and Discharge Regulation Amendment Bylaw, 2009" be granted 1st, 2nd and 3rd reading as amended with the addition of "*or equivalent*" after "Fireworks Operator Certificate" in Section 4.

Opposed: Director Marcotte

MOTION CARRIED

B1
09-451 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3303 - Fireworks Sale and Discharge Regulation Amendment Bylaw, 2009", be adopted.

Opposed: Director Marcotte

MOTION CARRIED

B2
09-452 It was moved and seconded that "CVRD Bylaw No. 3294 - North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009" be adopted.

MOTION CARRIED

NEW BUSINESS

NB1
09-453 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3300 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009", 3rd reading be rescinded.

MOTION CARRIED

09-454 It was moved and seconded that "Cowichan Valley Regional District5 Bylaw No. 3300 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009" be amended by changing the maximum annual requisition from Two Million Eight Hundred and Thirty-Eight Thousand Dollars (\$2,838,000.) to Two Million Three Hundred and Fifty-Five Thousand Dollars (\$2,355,000.), and changing the rate from "0.9015 per 1,000" to "0.7481 per 1,000".

MOTION CARRIED

09-455 It was moved and seconded that "Cowichan Valley Regional District5 Bylaw No. 3300 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009" be granted 3rd reading as amended.

MOTION CARRIED

Director Iannidinardo reported that discussions have been taking place regarding the involvement of Electoral Area D - Cowichan Bay with the Cowichan Aquatic Centre.

09-456 It was moved and seconded that an Annual Financial Contribution Service be created for Electoral Area D - Cowichan Bay for the purpose of contributing to the cost of operation and maintenance of the Cowichan Aquatic Centre with a maximum requisition limit of \$132,000.

MOTION CARRIED

09-457 It was moved and seconded that Electoral Area D - Cowichan Bay acknowledges its forthcoming financial contribution to the Cowichan Aquatic Centre, subject to public approval, based upon the understanding that the current two-tier fee structure at the Cowichan Aquatic Centre will remain in place for non-participating areas, and that a letter be sent to the District of North Cowichan and the City of Duncan confirming such.

Opposed: Directors Cossey, Morrison, McGonigle and Harrison

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

09-458 It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, Subsection (1) (e) Land Acquisition.
5:40 pm

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

09-461 **It was moved and seconded that the Board rise without report and
5:45 pm** **return to the Regular portion of the meeting.**

MOTION CARRIED

ADJOURNMENT

09- 62 **It was moved and seconded that the Regular Board meeting be
5:45 pm** **adjourned.**

MOTION CARRIED

The meeting adjourned at 5:45 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____



REGIONAL SERVICES COMMITTEE REPORT
OF REGULAR MEETING HELD AUGUST 26, 2009

DATE: August 26, 2009

To: Chairperson and Directors of the Board

Your Regional Services Committee reports and recommends as follows:

1. That the Board Chair send a letter to The Honourable Gordon Campbell, Premier of the Province of British Columbia and to The Honourable Dr. Margaret MacDiarmid, Minister of Education and Minister Responsible for Early Learning and Literacy advising that the CVRD is disappointed with the Provincial government's potential cutbacks to public library funding.
2. That the CVRD provide tax exemption to the Capital Regional District for 2010 and that Bylaw No. 3318 be forwarded to the Board for consideration of three readings and adoption.



ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT

OF MEETING HELD AUGUST 26, 2009

DATE: August 27, 2009

To: Chair and Directors of the Cowichan Valley Regional District

Your Engineering & Environmental Services Committee reports and recommends as follows:

1. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Sewer System Service Area be received.
 - .2 That the boundaries of the Kerry Village Water System area be amended to include "*Section 1, Range 8, Shawnigan District, Except That Part In Plan 2485, VIP78819 and VIP79958*".
 - .3 That "CVRD Bylaw No. 3298 – Kerry Village Water System Service Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.
2. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Sewer System Service Area be received.
 - .2 That the boundaries of the Kerry Village Sewer System area be amended to include "*Section 1, Range 8, Shawnigan District, except That Part in Plan 2485, VIP78819 and VIP79958*".
 - .3 That "CVRD Bylaw No. 3299 – Kerry Village Sewer System Service Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.
3. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Sentinel Ridge Sewer System Service Area be received.
 - .2 That the boundaries of the Sentinel Ridge Sewer System area NOT be amended to include "*Lot A, District Lot 101, Plan VIP 76899, Malahat District*".
4. That the following bylaws be forwarded to the Board for consideration of three readings and adoption:
 1. CVRD Bylaw No. 3244 – Bald Mountain Sewer System Management Bylaw, 2009
 2. CVRD Bylaw No. 3245 – Bald Mountain Water System Management Bylaw, 2009
 3. CVRD Bylaw No. 3304 – Bald Mountain Drainage System Management Bylaw, 2009.
5. That Cowichan Valley Regional District Bylaw No. 3319 –Lambourn Estates Water System Management Amendment Bylaw, 2009, amending Schedule B – Metered Water Rates and Charges, be forwarded to the Board for consideration of three readings and adoption.

.../2

6. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Sewer System Service Area and authorizing the borrowing of up to \$265,000.00, be received.
 - .2 That Service Establishment and Loan Authorization bylaws be prepared and forwarded to the Board for consideration of three readings, and following provincial approval, adoption.
 - .3 That, following adoption of the service establishment and loan authorization bylaws, a Capital Reserve Fund Establishment Bylaw and a Parcel Tax Roll Bylaw be prepared for the Brulette Place Sewer System and further that these bylaws forwarded to the Board for consideration of three readings and adoption.
7. That a backyard burning regulation bylaw be prepared, which would apply to all small hand-piled fires; not regulated under CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2009; and further would incorporate a phased in approach and regulate the following:
1. Fire size
 2. Permissible property size
 3. Burn season window
 4. Materials burned
 5. Method of burning
- and that this direction be presented to local Fire Chiefs at their September 2009 meeting.
8. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Water System Service Area be received.
 - .2 That the boundaries of the Kerry Village Water System area be amended to include "*Lot 1, Section 1, Range 8, Shawnigan District, Plan VIP79958*".
 - .3 That "CVRD Bylaw No. 2491 – Kerry Village Water System Service Establishment Bylaw, 2004", be further amended to include Lot 1, and be forwarded to the Board for consideration of three readings and adoption
9. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Sewer System Service Area be received.
 - .2 That the boundaries of the Kerry Village Sewer System area be amended to include "*Lot 1, Section 1, Range 8, Shawnigan District, Plan VIP79958*".
 - .3 That "CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004", be further amended to include Lot 1, and be forwarded to the Board for consideration of three readings and adoption.
10. That the Board support application to the Ministry of Community and Rural Development for an infrastructure planning grant for two-thirds funding up to a maximum of \$10,000 to complete a Tri-regional Waste-to-Energy Viability Study.



HEALTH AUTHORITY ADVISORY COMMITTEE REPORT

OF MEETING HELD AUGUST 12, 2009

DATE: August 28, 2009

To: Chair and Directors of the Board

Your Health Authority Advisory Committee reports and recommends as follows:

1. That the CVRD Board does not endorse the resolution presented by the Fair Health Funding for Cowichan NOW Coalition.
2. That a letter be written to VIHA CEO Mr. Howard Waldner notifying him that the CVRD Board fully supports VIHA's plans to establish a comprehensive consultative network in the Cowichan Valley to address health funding and service disparities and other issues as suggested by Mr. Waldner; and further, that the CVRD Regional Hospital Board looks forward to participating in a consultation process with representatives of the community including the Fair Health For Cowichan Now Coalition, that will lead to the improved delivery of health care in the Cowichan Region.
3. That a letter be written to Ms. Ronnie Phipps thanking the Fair Health For Cowichan Now Coalition for their efforts to improve health care in the Cowichan Valley and stating the Board's position regarding the Coalition's presentation to the Regional Services Committee.



STAFF REPORT

REGULAR BOARD MEETING
OF SEPTEMBER 9, 2009

DATE: August 19, 2009 BYLAW NO: 3085
FROM: Kathleen Harrison, Deputy Corporate Secretary, Corporate Secretariat Division
SUBJECT: Results of Alternative Approval Process - Bylaw No. 3085 – Cobble Hill Drainage

Recommendation:

That the *Certificate of Results*, confirming that the CVRD Board may proceed to adopt Bylaw No. 3085, be received.

Purpose:

To present the results of the Alternative Approval Process for "CVRD Bylaw No. 3085 – Cobble Hill Drainage System Service Establishment Bylaw, 2008".

Financial Implications:

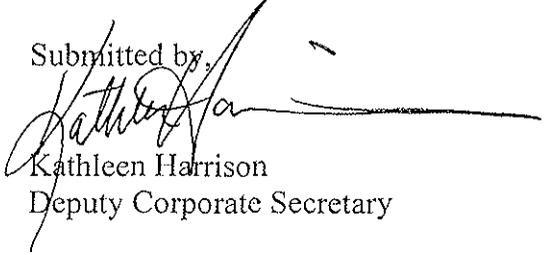
N/A.

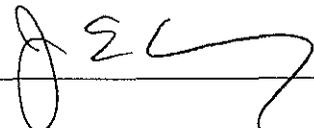
Interdepartmental/Agency Implications:

Once adopted, a certified copy of the bylaw must be filed with the Province. The Engineering and Environmental Services Department is responsible for management of this service.

Background:

Following provincial approval, an alternative approval process for CVRD Bylaw No. 3085 was launched on July 10, 2009 and closed August 18, 2009. As outlined in the attached *Certificate of Results*, there were seventeen (17) valid *Elector Response Forms* submitted in opposition to the adoption of CVRD Bylaw No. 3085 and therefore the Board may proceed to adopt the bylaw.

Submitted by,

Kathleen Harrison
Deputy Corporate Secretary

Division Manager's Approval:

Signature

Attachment: Certificate of Results – Bylaw No. 3085



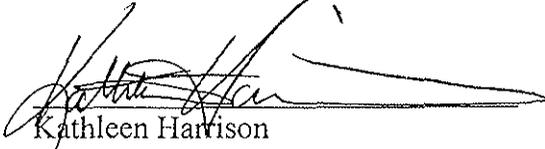
CVRD Bylaw No. 3085
Certificate of Results - Alternative Approval Process

I hereby certify that Seventeen (17) valid *Elector Response Forms* were received in opposition to the adoption of "CVRD Bylaw No. 3085 – Cobble Hill Drainage System Service Establishment Bylaw, 2008", which authorizes the Regional District to operate and maintain a drainage system service within a portion of Electoral Area C – Cobble Hill.

The total number of electors in the service area to which the Alternative Approval Process applies is estimated at 383.

In accordance with Section 86 (1) of the *Community Charter*, the number of elector response forms received represents less than 10% of the electors in the area to which the Alternative Approval Process applies, and the Cowichan Valley Regional District may proceed to adopt CVRD Bylaw No. 3085.

DATED at Duncan, British Columbia
this 19th day of August, 2009

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)

Kathleen Harvison
Deputy Corporate Secretary

Number of Electors in the Service Area	10% of the Electors	Elector Response Forms Received
383	38	17



STAFF REPORT

**REGULAR BOARD MEETING
OF SEPTEMBER 9, 2009**

DATE: August 19, 2009 **BYLAW NO:** 3272
FROM: Kathleen Harrison, Deputy Corporate Secretary, Corporate Secretariat Division
SUBJECT: Results of AAP - Bylaw No. 3272 – Sahtlam Fire Protection Loan Authorization.

Recommendation:

That the *Certificate of Results*, confirming that the CVRD Board may proceed to adopt Bylaw No. 3272, be received.

Purpose:

To present the results of the Alternative Approval Process for "CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009".

Financial Implications:

Bylaw No. 3272 authorizes the Regional District to borrow no more than \$130,000.00 for 10 years to help finance the purchase of a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service Area. If the maximum is borrowed, the cost to property owners within the service area with a residential property assessed at \$100,000.00. is estimated at \$8.07 per annum.

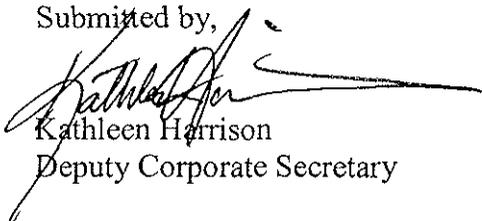
Interdepartmental/Agency Implications:

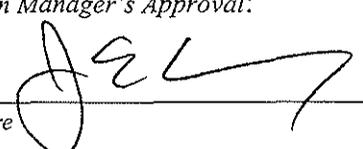
Following adoption of Bylaw No. 3272, and the legislated 30 day quashing period, the Corporate Secretariat Division can apply to the province for a Certificate of Approval. Once the Certificate is received the Finance Division can proceed with the necessary borrowing and the Protective Services Department may purchase the vehicle.

Background:

An alternative approval process for CVRD Bylaw No. 3272 was launched on July 10, 2009 and closed August 18, 2009. As outlined in the attached *Certificate of Results*, there were Zero (Ø) *Elector Response Forms* submitted in opposition to the adoption of CVRD Bylaw No. 3272 and therefore the Board may proceed to adopt the bylaw.

Submitted by,


Kathleen Harrison
Deputy Corporate Secretary

Division Manager's Approval:

Signature



**CVRD Bylaw No. 3272
Certificate of Results - Alternative Approval Process**

I hereby certify that Zero (Ø) *Elector Response Forms* were received in opposition to the adoption of "CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009", which authorizes the Regional District to borrow up to a maximum of One Hundred and Thirty Thousand Dollars (\$130,000.00), for a 10-year period to help finance the purchase of a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service Area within a portion of Electoral Area E – Cowichan Station/Sahtlam/Glenora.

The total number of electors in the service area to which the Alternative Approval Process applies is estimated at 995.

In accordance with Section 86 (1) of the *Community Charter*, the number of elector response forms received represents less than 10% of the electors in the area to which the Alternative Approval Process applies, and the Cowichan Valley Regional District may proceed to adopt CVRD Bylaw No. 3272.

DATED at Duncan, British Columbia
this 19th day of August, 2009

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)
Kathleen Harrison
Deputy Corporate Secretary



Number of Electors in the Service Area	10% of the Electors	Elector Response Forms Received
995	100	Ø



STAFF REPORT

SPECIAL BOARD MEETING
SEPTEMBER 9, 2009

DATE: August 26, 2009 **File No:** 7120-01
FROM: Sybille Sanderson, Acting General Manager Public Safety
SUBJECT: West Nile Virus Update

Recommendations:

1. That the Regional District continue to monitor the incidence of West Nile Virus in the area;
2. That upon a change in the incidence of West Nile Virus in the Regional District, the issue be brought forward to the Board of Directors.

Purpose:

In light of the recent news that a mosquito pool in the South Okanagan has tested positive for the West Nile Virus and that British Columbia has its first two human cases of the West Nile Virus, we are updating the Board of Directors on earlier actions and decisions taken by the Regional District with regard to the West Nile Virus.

Background:

In 2007, the Cowichan Valley Regional District opted not to pursue West Nile Virus (WNV) reduction prevention initiatives. The CVRD's decision was based on the following:

- Risk areas have already been mapped;
- The regional plan has a contingency plan for disease/pandemic outbreak and the Vancouver Island Health Authority would be the responsible lead agency;
- The CVRD does not own the land that may require mosquito control initiatives; and
- In 2006 and 2007, informative brochures were mailed to every household in all nine electoral areas to educate residents on WNV reduction practices.

Should the West Nile Virus arrive here on Vancouver Island, we will bring this issue to the Board of Directors for further direction.

Submitted by,

Sybille Sanderson

Sybille Sanderson
Acting General Manager Public Safety

/bw



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3085

**A Bylaw to Establish a Drainage Service in a Portion of
Electoral Area C – Cobble Hill**

WHEREAS pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a drainage service in a portion of Electoral Area C – Cobble Hill;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and the *Community Charter*;

AND WHEREAS the Director of Electoral Area C – has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3085 – Cobble Hill Drainage System Service Establishment Bylaw, 2008**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is the operation and maintenance of a drainage service system.

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are that portion of Electoral Area C – Cobble Hill shown outlined in Schedule A of this bylaw. The service area shall be known as the "Cobble Hill Drainage System Service Area".

4. **PARTICIPATING AREA**

Electoral Area C – Cobble Hill is the only participating area for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- (a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area, as per the *Local Government Act*;
- (b) revenues raised by other means authorized by the *Local Government Act*.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$9,912. or an amount that equals the amount raised by applying a property value tax rate of \$0.1434 per \$1,000.00 to the net taxable value of land and improvements in the service area.

READ A FIRST TIME this 11th day of June, 2008.

READ A SECOND TIME this 11th day of June, 2008.

READ A THIRD TIME this 11th day of June, 2008.

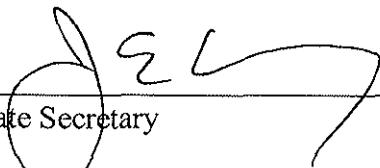
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

18th day of July, 2008.

THIRD READING RESCINDED this 11th day of March, 2009.

READ A THIRD TIME AS AMENDED this 11th day of March, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3085 as given Third Reading on the 11th day of March, 2009.



Corporate Secretary

APRIL 3, 2009

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

6th day of JUNE 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3244

**A Bylaw for the Regulation and Management of the
Bald Mountain Sewer System**

WHEREAS the Board of the Cowichan Valley Regional District established the Bald Mountain Sewer System Service Area under the provision of CVRD Bylaw No. 3179, cited as "*CVRD Bylaw No. 3179 - Bald Mountain Sewer System Service Establishment Bylaw, 2008*", for the purpose of providing services to a defined portion of Electoral Area I – Youbou/Meade Creek;

AND WHEREAS it is deemed necessary and expedient that provisions be made for the regulation and management of the sewer system, and for terms and conditions upon which sewer services may be provided, and for a tariff of charges for such services;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3244 - Bald Mountain Sewer System Management Bylaw, 2009**".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"Air" means the atmosphere, but, except in a *Sewer* or a *Sewage Facility* or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.

"Air Contaminant" means any *Substance* or odour whether gaseous, liquid, solid or a combination that is emitted into the *Air* and that:

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes with or is capable of interfering with visibility;
- (d) interferes with or is capable of interfering with the normal conduct of business;
- (e) causes or is capable of causing material physical discomfort to a person, or,
- (f) damages or is capable of damaging the environment.

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"Applicant" means an owner or his agent requesting one of the following:

- (a) a *Waste Discharge Permit*;
- (b) amendment, addition or deletion of a term or condition of a *Waste Discharge Permit*;
- (c) change to the activity that is the subject of a *Waste Discharge Permit*;
- (d) renewing a *Waste Discharge Permit*;
- (e) *Authorization*.

"Authorized" or **"Authorization"** means that *Authorization* given, in writing, by the *Manager* upon such terms and conditions as specified therein;

"Bald Mountain Sewer System" means the *Sewer* system currently servicing the *Bald Mountain Sewer System Service Area* including all *District* buildings, structures, sewage, collection, treatment, disposal facilities, equipment, electrical works, pumping stations, forcemains, *Sanitary Sewermains*, appurtenances, *Sewer Service Connections*, and all sewage works designated for the collection and disposal of sewage together with all lands appropriated for such purposes and uses.

"Bald Mountain Sewer System Service Area" means a service area established and defined by Bylaw, within which the *District* manages and operates a Sewer System Service Area.

"Biomedical Waste" means Biomedical Waste as defined in the "Guidelines for the Management of *Biomedical Waste*" established by the Canadian Council of Ministers of the Environment (CCME) and dated February 1992, or the most current regulations and guidelines as determined by the *Manager*.

"Biosolids" means treated municipal *Wastewater Sludge* that meets quality criteria for beneficial use as a fertilizer or soil amendment product.

"BOD" means Biochemical Oxygen Demand, being the quantity of oxygen utilized in the biochemical oxidation of organic *Substances* under standard laboratory procedures in 5 days at 20 degrees Celsius expressed in milligrams per litre, as determined by the appropriate procedure in *Standard Methods*.

"Capable of Connection" means that the parcel of land abuts a street, lane, public *Sewer* right-of-way or easement, upon or under which there is a *Sewermain* with excess capacity and that the *Sewer* service connection will have adequate cover at the property line, and drain towards the *Sewer*, and allowing the house or building to be connected to the service connection by either a gravity building *Sewer*, or a pump and forcemain.

"COD" means Chemical Oxygen Demand, being a measure of the equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, as determined by the appropriate procedure in *Standard Methods*.

"Combined Sewer" means a *Sewer* designed for the collection and transmission of *Uncontaminated Water*, *Wastewater*, and *Stormwater*.

.../3

"Composite Sample" means a sample of *Waste* which is composed of equivalent portions of a specified number of *Grab Samples* collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.

"Condensed Water" means water, which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air conditioning equipment and steam heating systems.

"Consumer" means the owner or occupant of property that is serviced by, connected to and uses the *Bald Mountain Sewer System*.

"Contaminate" means any *Substance*, whether gaseous, liquid or solid, whether dissolved or suspended, or any *Wastewater* quality parameter that, when present above a certain concentration in *Wastewater*:

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes or is capable of interfering with the proper operation of a *Sewer* or sewerage facility;
- (d) causes or is capable of causing material physical discomfort to a person; or
- (e) damages or is capable of damaging the environment.

"Committee" means a standing committee, comprised of representatives from the *Regional Board*, which the Engineering & Environmental Services Department reports to.

"Daily Flow" means the total flow over a 24-hour period, as measured by an approved calibrated flow meter.

"Discharge" 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.

"District" means the Cowichan Valley Regional District.

"District Water" means water carried by a community water system operated and managed by the *District*.

"Domestic Sewage" means *Sanitary Waste* produced on a *Residential Property*.

"Domestic Waste" means *Sanitary Waste* or the water-carried wastes from drinking, culinary purposes, washing, bathing, laundering or food processing which is produced on a *Residential Property* and is *Discharged* directly or indirectly into a *Sewer* connected to a *Sewage Facility* operated by the *District*.

"Enactment" means any applicable act, regulation, bylaw, or *Authorization*, by a federal, provincial, regional or municipal government or their *Authorized* representatives.

.../4

"Environmental Management Act" means the Environmental Management Act of the Province of British Columbia or any legislation that replaces the *Environmental Management Act*.

"Grab Sample" means a sample of *Waste* collected at a particular time and place.

"Hazardous Waste" means Hazardous Waste as defined in the *Environmental Management Act*.

"Hazardous Waste Regulation" means the Hazardous Waste Regulation enacted pursuant to the *Environmental Management Act*.

"Hazardous Waste Regulation Leachate Quality Criteria" means the *Contaminant* concentrations for leachate set out in Schedule 4 of the *Hazardous Waste Regulation*.

"High Volume Discharge" means any *Discharge* of *Non-domestic Waste* into a *Sewer* in excess of 2.57 cubic metres per day (550 Imperial Gallons per day) or 90 cubic metres over any consecutive 30-day period, but not including water from a *Pool*.

"Improvement District" means an *Improvement District* incorporated under the Local Government Act.

"Manager" means the person duly appointed General Manager of the Engineering & Environmental Services Department by the *Regional Board*, or his designate.

"Mass Loading" means the concentration of a constituent multiplied by the flow rate.

"Metered District Water" means *District* water supplied to *Consumers* through individual meters located on serviced connections from a community water system operated and managed by the CVRD.

"Monitoring Point" means an access point to a *Sewer*, or a *Private Drainage System* for the purpose of:

- (a) measuring the rate of flow or volume of *Wastewater* being *Discharged* from a *Premises*;
- (b) collecting representative samples of *Wastewater* being *Discharged* from a *Premises*.

"Monthly Average" means the arithmetic mean of all measurements taken over a calendar month.

"Municipality" means any participating member city, town, or other incorporated area of the *District*.

"Non-domestic Waste" means all *Waste* except *Domestic Waste*, *Trucked Waste*, *Sanitary Waste*, *Stormwater* and *Uncontaminated Water*.

"Oil and Grease" means an organic *Substance* or *Substances* recoverable by procedures set out in *Standard Methods* or procedures *Authorized* by the *Manager* and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes and high-molecular weight carboxylic acids.

"Owner" means any person who is registered under the Land Titles Act as the owner of land, or any other person who is in lawful possession of land, or who is in lawful possession or occupancy of any buildings situated on the land.

"Parcel Tax" means an annual tax levied on each parcel of land within the *Bald Mountain Sewer System Service Area*.

"PCB" means any mono-chlorinated, de-chlorinated, polychlorinated biphenyls or any mixture that contains one or more of these.

"Pesticides" means pesticides regulated under the Integrated Pest Management Act of British Columbia.

"pH" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in *Standard Methods*.

"Phenols" means the hydroxyl derivatives of aromatic hydrocarbons as determined by the appropriate procedure described in *Standard Methods*.

"Pool" means any water receptacle used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time, or designed for decorative purposes.

"Premises" means any land or building or both, or any part thereof.

"Private Drainage System" means a privately owned assembly of pipes, fittings, fixtures, traps and appurtenances that is used to convey *Wastewater*, *Uncontaminated Water*, *Stormwater*, or foundation drainage to a *Sewer*, *Sewage Facility*, or a private *Wastewater* disposal system.

"Private Sewer Service Pipe" means that part of the *Sewer Service Pipe* located within the boundaries of the property being serviced, or outside the boundaries of a CVRD Statutory Right-of-Way, and which is connected, or intended, to connect to the *Bald Mountain Sewer System* via a *Sewer Service Connection*.

"Prohibited Waste" means Prohibited Waste in Article A of Schedule F of this Bylaw.

"Radioactive Materials" means Radioactive Materials as defined in the Atomic Energy Control Act of Canada and Regulations under that Act.

"Regional Board" means the Board of Directors of the Cowichan Valley Regional District.

"Residential Property" means a property that is used primarily for the purposes of residence by persons on a permanent, temporary or seasonal basis.

"Restricted Waste" means as defined in Article "B" of Schedule F of this Bylaw.

"Sanitary Sewer" means a *Sewer* which carries *Sanitary Waste* or *Wastewater*, but which is not intended to carry *Stormwater* or *Uncontaminated Water*.

"Sanitary Waste" means *Waste* that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

"Seasonal Use" means the use of the *Sewer Service(s)* for a dwelling, unit or recreational accommodation which is not continuously inhabited for more than three months in any calendar year or which is inhabited from time to time for not more than four months in any calendar year.

"Sewage Facility" means works owned or otherwise under the control, or jurisdiction of the *District*.

"Sewer" means all pipes, conduits, drains, and other equipment and facilities, owned or otherwise under the control or jurisdiction of the *District*, or one or more municipalities, for collecting, pumping, and transporting *Wastewater* either to a *Sewage Facility*, or otherwise and includes all such pipes, conduits, drains, and other equipment and facilities, which connect with those of the *District* or one or more municipalities.

"Sewer Charges" means the charges set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Extension" means any installation requiring the construction of a 200-mm diameter *Sewermain*, or larger, within a public road allowance or right-of-way or easement, from the most convenient existing *Sewer*, but does not include a *Sewer Service Connection* or a *Private Sewer Service Pipe*.

"Sewer Extension Application Charge" means the charges as set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewermain" means a pipe forming part of the community sewage collection system, other than those pipes serving as *Sewer Service Connections*.

"Sewer Rates" means the rates set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Service(s)" means the collection, treatment and disposal of sewage.

"Sewer Service Charges" means the charges as set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Service Connection" means the *Sewer* pipe and its integral appurtenances, which are placed from the *Sewermain* to the boundary of the property being serviced; or from the *Sewermain* to the boundary of the right-of-way, when the *Sewermain* is located in a right-of-way in favour of the *District*.

.../7

"Sewer Service Pipe" means the conduit connecting a *Sewermain* that is part of the Bald Mountain *Sewer System* with lands or buildings and consisting of both a *Sewer Service Connection* and a *Private Sewer Service Pipe*.

"Sewer Surcharge Rates" means the rates as set out in the applicable Schedule(s) forming part of this Bylaw, and are applied in proportion to the amount of *Metered District Water* consumed by a user.

"Sharps" means hypodermic needles, hypodermic syringes, blades, broken glass, and any devices, instruments or other objects that have acute rigid corners, edges or protuberances.

"Sludge" means *Wastewater* containing more than 0.5% total solids.

"Spill Reporting Regulation" means the Spill Reporting Regulation enacted pursuant to the *Environmental Management Act* Regulation.

"Standard Methods" means the latest edition of "Standard Methods of Examination of Water and Wastewater" jointly prepared and published from time to time by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation.

"Storm Sewer" means a *Sewer* for the collection and transmission of *Stormwater* or *Uncontaminated Water*.

"Stormwater" means water resulting from natural precipitation from the atmosphere and which is intended to be transported in a *Storm Sewer*, or a *Combined Sewer* or a *Watercourse*.

"Substance" includes any solid, liquid or gas.

"Suspended Solids" means the portion of total solids retained by a filter, as determined by the appropriate procedure in *Standard Methods*.

"Trucked Waste" means any *Waste* that is collected and transported from the site where the *Waste* originated by means other than *Discharge* to a *Sewer* including, but not limited to, holding tank water, septic tank waste, chemical toilet contents, *Oil and Grease* from interceptors or traps, and other *Sludge* of organic or inorganic origin.

"Total Ammonia" means the sum of the concentrations or masses of ionized ammonia and un-ionized ammonia.

"TN (Total Nitrogen)" means the sum of the concentrations or masses of organic nitrogen, *Total Ammonia*, nitrite and nitrate.

"TP (Total Phosphorus)" means the sum of the concentrations or masses of organic phosphates, ortho-phosphates and polyphosphates.

"Treasurer" means the person duly appointed Treasurer by the *Regional Board*, or his duly appointed designate.

"Uncontaminated Water" means any water excluding *Stormwater* but including cooling water, *Condensed Water* and water from municipal *Waterworks*, or a private water supply to which no *Contaminate* has been added as a consequence of its use, or to modify its use by any person.

"Unit" means an "area within" a building which is segregated and self-contained and, in the case of multiple units, the units may be owned or rented by different persons or organizations.

"Waste" means any *Substance* whether gaseous, liquid or solid, that is or is intended to be *Discharged*, or discarded, directly or indirectly, to a *Sewer* or *Sewage Facility*.

"Waste Discharge Permit" means a *Waste Discharge Permit* issued by the *Manager*.

"Wastewater" means the composite of water and water-carried *Wastes* from residential, commercial, industrial or institutional *Premises*, or any other source.

"Wastewater Sludge" means the removed material resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of *Wastewater*.

"Water" includes seawater, surface water, groundwater and ice.

"Watercourse" means:

- (a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of water; or
- (b) a canal, ditch, reservoir or other man-made surface feature whether it contains or conveys water continuously or intermittently.

"Waterworks" means any works owned, or otherwise under the control or jurisdiction of the *District*, or one or more of its member *Municipalities*, or private owned water system, or an *Improvement District* that collects, treats, transports, or stores drinking water.

"Works" includes:

- (a) a drain, ditch, *Sewer* or *Waste* disposal system including a sewage treatment plant, pumping station or outfall;
- (b) a device, equipment, land or a structure that:
 - (i) measures, handles, transports, stores, treats, or destroys *Waste* or a *Contaminant*; or
 - (ii) introduces *Waste* or a *Contaminant* into the environment;
- (c) an installation, plant, machinery, equipment, land; or a process that causes or may cause a release of a *Contaminant* into the environment, or is designed, or used to measure or control the introduction of *Waste* into the environment, or to measure or control a *Contaminant*;

- (d) an installation, plant, machinery, equipment, land or a process that monitors or cleans up a *Contaminant* or *Waste*.

3. ADMINISTRATIVE POLICY

1. (a) The responsibility for the construction, operation and maintenance of the *Bald Mountain Sewer System* is hereby vested in the *Manager* who shall operate the same under the established policy of the *Regional Board*.
 - (b) No construction, operation or maintenance work of any kind or nature, not specifically authorized by this Bylaw, shall be performed on the whole or any part of the *Bald Mountain Sewer System* except as *Authorized* in writing by the *Manager*.
 - (c) Ownership of *Bald Mountain Sewer System*: The *Bald Mountain Sewer System*, required for treatment, disposal and collection of sewage from the *Owner's* property, which is constructed, whether at the *Owner's* expense or *District's* expense in present or future public highways or within *District* right-of-way property, shall be the property of the *District*.
2. (a) The *District* may supply *Sewer Service* as circumstances, collection, treatment and disposal capacity permit.
 - (b) No *Sewer Service(s)* shall be supplied to any parcel of land or *Premises* outside of the *Bald Mountain Sewer System Service Area* except by special agreement with the *District*, and/or the expansion of the sewer system service area by CVRD Bylaw.
 - (c) No person shall allow *wastewater*, sewage, septage or any form of liquid or substance to be brought into the *Bald Mountain Sewer System Service Area* for the sole purpose of disposal directly or indirectly into the *Bald Mountain Sewer System* unless otherwise approved by the CVRD and other agencies having jurisdiction.
 - (d) All reasonable efforts will be made to ensure a continuous *Sewer Service*; however, the *District* does not guarantee to the *Consumer* an uninterrupted discharge of sewage, nor shall any failure to provide an uninterrupted supply of *Sewer Service*, or to meet any such standard be construed as neglect on the part of the *District*.
3. Any person authorized by the *Manager* shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other *Premises* to which *Sewer Services(s)* are supplied for the purpose of inspecting, repairing, or disconnecting any *Sewer Service Pipe* and appurtenances within a serviced structure or located on the lands in question.
4. (a) The *Manager* may, upon reasonable notice, limit or restrict *Sewer Service(s)* within all or any part of the *Bald Mountain Sewer System Service Area*, however, in emergency situations, notice may not be given.

- (b) The *District* is not liable for damages caused by the breakage or failure of the *Bald Mountain Sewer System*.
5. Any person, before proceeding with or authorizing any construction that is or is proposed to be located under, across or along any sanitary *Sewer*, forcemain, or other sewage works forming part of the *Bald Mountain Sewer System*, shall notify the *Manager* in writing of his intention to proceed with the same, and if it shall, in the opinion of the *Manager*, become necessary as a consequence to support or relocate such *Sanitary Sewer*, or other sewage works, the cost of supporting or relocating the same shall be charged against that person and the *Manager* shall supervise and direct the supporting or relocating of such *Sanitary Sewer* or other sewage works.
6. Any person(s) who has proceeded with or who has authorized any construction which is located under, over, across or along any *Sewermain* or other *Sewer* works forming apart of the *Bald Mountain Sewer System* shall be liable for any damage caused by such construction. If the damage is not remedied to the satisfaction of the *Manager* in reasonable time as determined by him, the *Manager* may have such damage repaired, upon giving notice to such person(s), and the cost of the repairs shall be borne by such person(s).

4. SEWER RATES AND SEWER CHARGES

1. (a) Revenues for the *Bald Mountain Sewer System* may be raised by *Sewer Rates*, *Sewer Charges* and *Parcel Taxes*.
- (b) If in any fiscal year the revenues generated by the rates and charges set out in sub-section (a) do not meet the expenditures of the *Bald Mountain Sewer System Service Area*, the deficit may be covered by a duly authorized increase in any or all of the charges set out in sub-section (a) for the succeeding fiscal year.
- (c) All revenue raised by the methods herein described or *Authorized* shall be applied to the *Bald Mountain Sewer System*.
2. (a) *Consumers* of *Sewer Service(s)* who receive *Metered District Water* shall be charged the *Sewer Charges* set out in Schedule A.
- (b) *Consumers* of *Sewer Service(s)* who are not charged a sewer surcharge rate shall pay the *Sewer Charges* set out in Schedule B.
- (c) Person(s) desiring the extension of the *Bald Mountain Sewer System* to lands which they own, or occupy, shall make formal application and pay the appropriate charges as set out in Schedule E and comply with Parts 5 and 6 of this Bylaw.
- (d) Person(s) requiring the miscellaneous services set out in Part 7 of this Bylaw shall pay the charges therefore set out in Schedule D.
3. (a) The *Sewer Rates* and *Sewer Charges* set out in Schedules A, B, C, D and E shall be subject to periodic review by the *Manager* and the *Committee* who may make recommendations on the revision of the said Schedules to the *Regional Board*.

- (b) Schedules A, B, C, D, E, and F may be revised by bylaws enacted by the *Regional Board*.

5. SEWER CONNECTION SERVICE

1. (a) An *Owner* of lands within the *Bald Mountain Sewer System Service Area*, which abut a Sewer, line which is part of the *Bald Mountain Sewer System* may apply to have his property connected to the *Bald Mountain Sewer System*.
- (b) No connection shall be made to the *Bald Mountain Sewer System* until an application for *Sewer Service* has been completed and approved by the *Manager*.
- (c) A *Sewer Service Connection* application shall be in the form provided by the *Manager*, and shall be certified to be correct and signed by the *Applicant*, and shall be submitted at least four (4) weeks prior to the date by which connection to the *Bald Mountain Sewer System* is required.
- (d) *Sewer Service Connection* applications for property located within the *Bald Mountain Sewer System Service Area* must be made prior to the issuance of a building permit, where such permit is necessary.
- (e) Waste Discharge Permit Applications.
- i.) Where a *Sewer Service Connection* is to be installed for other than single family residential use, or where more than 90 m³ of non-domestic *Wastewater* in any 30-day period, or where any *Restricted Waste*, will be deposited in the *Sanitary Sewer System*, an application will be submitted to the *District*, in the form of a Schedule F to this Bylaw, and a *Waste Discharge Permit* shall be completed before connecting the *Premises* to the *Sanitary Sewer System*.
- ii) All *Sewer Service Connection(s)* for other than single-family residential use, which is in existence at the date of adoption of the Bylaw, will complete a *Waste Discharge Permit*.
- iii) An *Owner* or occupier who intends to expand or alter a facility for other than single-family use, which is in existence at the date of adoption of this Bylaw, such that the effluent flow rate would increase by more than 25% (based on a monthly average of the effluent *Daily Flow* rates), or increase in the effluent concentration of any contaminant listed under Article "B" of Schedule F to this Bylaw, by of more than 25% (based on a monthly average of one-operating-day *Composite Sample* concentrations), or increase the effluent *mass load* of any *Contaminant* of more than 25% (based on a monthly average of the effluent *Daily Flow* rates multiplied by the *Monthly Average* of one-operating-day *Composite Sample* concentrations) will require the discharger to apply for a new *Waste Discharge Permit*. The *Manager* may require the discharger to apply for a new *Waste Discharge Permit* if the flow in any one-day increases to a volume that would limit the capacity of the downstream users.
- (f) Applications for *Sewer Service Connections* shall be accompanied by a deposit equal to the *Sewer Service Connection Charge* as set out in Schedule C.

.../12

- (g) The *Manager* may refuse a *Sewer Service Connection* application where in his opinion the *Bald Mountain Sewer System* might be adversely affected, or where in his opinion there is insufficient sewage collection and treatment disposal available.
2. (a) *Applicants* for *Sewer Service Connections* shall pay the *Sewer Service Connection* charges set out in Schedule C and upon completion of the *Sewer Service Connection*, the deposit made pursuant to Section 5.1 (f) shall be applied in payment of such charges.
- (b) When a new *Sewer Service Connection* is installed, the *Sewer Rate* levied shall be prorated in accordance with appropriate charges set out in the appropriate Schedule and shall be computed as determined by the *Treasurer*.
- (c) Where an abandoned *Sewer Service Connection* is in place on or adjacent to an *Applicant's* lands, the *Applicant* may apply to have the *Sewer Service Connection* reconnected and shall at such time apply to have the *Sewer Service Connection* inspected, shall pay the inspection fee set out in Schedule C, and shall expose the *Sewer Service Connection*, and prepare it for inspection, provided, however, that the *Manager* may, upon inspecting such a *Sewer Service Connection*, refuse to reconnect it if it is in his opinion defective, and his opinion on this matter shall be final.
3. (a) All work involved in the installation and maintenance of *Sewer Service Connections* to the *Bald Mountain Sewer System* is to be performed by duly authorized employees or agents of the *District*.
- (b) Where the *Applicant* for a *Sewer Service Connection* indicates in his application a desired location for the *Sewer Service Connection*, the *Sewer Service Connection* will be located as indicated providing the proposed location is approved by the *Manager*.
- (c) Where the *Applicant* for a *Sewer Service Connection* does not indicate in his application a desired location for the *Sewer Service Connection*, the *Sewer Service Connection* will be located as determined by the *Manager*, and if the *Applicant* subsequently requires a relocation of the *Sewer Service Connection*, such relocation is to be at the expense of the *Applicant*.
4. (a) Unless otherwise directed by the *Manager*, all *Sewer Service Connections* shall conform to the Cowichan Valley Regional District specifications and standards, and shall not be less than 100 mm in diameter for single family dwellings or units and shall be laid at a minimum grade of two percent (2%), and shall not be less than 150 mm in diameter, complete with inspection chamber, for commercial, industrial, institutional or multi-unit dwellings, and shall be laid at a minimum grade of one percent (1%).

.../13

- (b) Where practicable as governed by the depth of the *Sewer*, the minimum depth of the *Sewer Service Connection* at the property line shall be one (1) metre. Where possible, the *Sewer Service Connection* will be installed with sufficient depth to provide natural drainage from the lowest floor of any building or structure except where natural drainage is impractical due to the relative elevation of the *Sewer* and the lowest floor of the building or structure.
- (c) No *Sewer Service Pipe* may be installed in, over or across the property of another person or located on an easement, or statutory right-of-way except by the written consent of the *Owners* concerned and the approval of the *District* in writing.
- (d) Except as otherwise provided in this section, or directed in writing by the *Manager*, separate and independent *Private Sewer Service Pipes* shall be provided to each building served by the *Bald Mountain Sewer System*.
- (e) Separate and independent *Sewer Service Connections* shall be supplied to semi-detached residential *Units* where each *Unit* is separately owned and to row housing *Units*, other than dwelling *Units* registered or to be registered under the British Columbia Strata Property Act, where each *Unit* is separately owned.
- (f) Where more than one (1) parcel of land or *Premises* under separate ownership are served by a single *Sewer Service Pipe*, the *Manager* may order the affected *Consumers* to disconnect from the single *Sewer Service Pipe* and connect directly to the *Sewermain* and all connection and plumbing alteration costs shall be borne by the *Consumers*.
- (g) If any *Sewer Service Pipe* is found not to comply with the drawings submitted, and approved by the *Manager*, pursuant to Section 5.4 (a) and (b), the *District* shall not accept sewage from the *Premises* served by the said pipe until such time as the installation is made to agree with the approved drawings.
- (h) Where CVRD records indicate a *Sewer Service Connection* exists to the property line of a parcel of land, the applicant shall make a reasonable effort at his own expense to find the service in a workman like manner based on the information available. If the service cannot be found in consultation with the CVRD, the CVRD will determine a course of action which may include looking for the existing service or installing a new *Sewer Service Connection*. This cost shall be borne by the *Applicant*.
- (i) If it is determined that "as-constructed" records were incorrect and a *Sewer Service Connection* does not exist, then an extension to the existing service or a new service connection will be installed at the *Applicant's* cost based on the direct and indirectly related cost incurred by the CVRD to carry out the work.

.../14

5. (a) The *Owners* of land shall be responsible for the installation of *Private Sewer Service Pipes* joining *Sewer Service Connection*.
- (b) The *Owners* or occupants of land whose *Premises* are served by the *Bald Mountain Sewer System* are responsible for providing a readily accessible 100-mm diameter clean-out, inspection chamber, pursuant to Section 5.4 (a) and (b), as near as possible at the point of connection between the *Private Sewer Service Pipe* and the *Sewer Service Connection*.
- (c) *Private Sewer Service Pipe* shall be installed in accordance with the requirements of the British Columbia Plumbing Code, and the requirements of other agencies having jurisdiction, and shall be constructed by the *Owner* entirely at his own expense. The private sewer service pipe shall be inspected by a CVRD representative prior to backfilling.
- (d) The *Private Sewer Service Pipe* shall be maintained by the property *Owner* at his sole expense. Where any *Sewer Service Pipe* becomes stopped, or otherwise fails to function, the *Owner* or occupier of the *Premises* served shall first determine that the blockage is not located in his *Private Sewer Service Pipe*, and then notify the *Manager* forthwith, and the *Manager* shall, as soon as practicable, arrange to have said *Bald Mountain Sewer System* or *Sewer Service Connection* unstopped or otherwise restored to serviceable condition.
- (e) Where any stoppage or failure is found to exist in the *Sewer Service Connection* or *Private Sewer Service Pipe* and can be attributed to the user or occupant, then all costs incurred by the *District* in restoring service and unstopping the *Sewer Service Connection* or *Private Sewer Service Pipe* shall be paid by such *Owner* upon demand and if unpaid on the thirty-first (31) day of December of the year in which such work is done, shall be deemed to be taxes in arrears on the property concerned.
- (f) When any *Private Sewer Service Pipe* is abandoned, the *Owner* or his agent shall notify the *Manager* and the *Owner* shall effectively block up the building *Sewer* at the *Sewer Service Connection* with a watertight seal to be inspected and approved by the *Manager*.
- (g) Whenever practical the *Sewer Service Connection* shall be installed prior to installation of the *Private Sewer Service Pipe* and connection of the *Private Sewer Service Pipe* to the *Sewer Service Connection* shall be made by the *Owner*. The *District* shall not be responsible to meet the elevation or connect to an existing *Private Sewer Service Pipe* installed by the *Owner* prior to installation of the *Sewer Service Connection*.
- (h) No *Private Sewer Service Pipe* shall be connected to a *Sewer Service Connection* until it has been inspected and approved by the *Manager*.
- (i) Where, in the opinion of the *Manager*, the infiltration and inflow from a *Private Sewer Service Pipe* exceeds that which would normally be associated with such pipe works and plumbing fixtures forming part of the *Private Sewer Service Pipe*, the *Manager* may require the *Owner* to rectify the problem within reasonable time and entirely at the *Owner's* cost.

6. (a) Where, in the opinion of the *Manager*, the *Sewer Service Connection* necessitates the installation of a manhole or inspection chamber at the property line, then the installation of the manhole or inspection chamber shall be the responsibility of the *Applicant* or *Owner* and the costs of such installation shall be borne by the *Applicant* or *Owner*.
 - (b) The *Manager* may connect if required a *Sewer Service Connection* to an existing manhole.
 - (c) Where, in the opinion of the *Manager*, a manhole or inspection chamber is required on the *Sewer Service Connection* but not yet constructed, the *Manager* may install the *Sewer* pipe and leave it plugged until a manhole or inspection chamber is constructed.
 - (d) Where a manhole or inspection chamber is connected after the installation of a *Sewer Service Connection*, the person constructing the manhole or inspection chamber shall connect the *Sewer Service Pipe* to the manhole or inspection chamber, as directed by the *Manager*, advise the *Manager* that such connection has taken place and request that the connection be inspected by the *Manager*.
7. Where a *Consumer* requires the replacement of a *Sewer Service Connection*, the existing *Sewer Service Connection* shall be disconnected and the cost of disconnecting the *Sewer Service Connection* as set out in Schedule C, is to be borne by the *Consumer*.
 8. No person shall make any temporary connection to any *Sanitary Sewer* except by special agreement with the *District*.

6. EXTENSION TO THE BALD MOUNTAIN SEWER SYSTEM SERVICE AREA

1. All extensions of the *Bald Mountain Sewer System* shall be undertaken upon the recommendation of the *Committee* and pursuant to bylaws and policy of the *Regional Board* authorizing such extensions.
2. (a) *Owner(s)* of land within the *Bald Mountain Sewer System Service Area* may file with the *Manager* a written request for an extension of the *Bald Mountain Sewer System* and shall supply the *Manager* with such information with regard to the proposed extension as he may request. Such application shall be accompanied by a *Sewer Extension Application Charge* as set out in Schedule E.
- (b) The *Manager* shall forward all requests for extensions of the *Bald Mountain Sewer System* to the *Committee*.
3. Extensions of the *Bald Mountain Sewer System* may be undertaken upon such terms and conditions as the *Regional Board* may from time to time impose, including, but not limited to:

- (a) In the event an *Applicant* wishes to proceed with an extension to the *Bald Mountain Sewer System*, the *Manager* may, with the approval of the *Committee*, allow the extension, provided that the *Applicant* shall install the extension entirely at his own expense. The final cost to the *Applicant* of the *Bald Mountain Sewer System* extension shall be the actual cost of design and construction together with a supervision charge in the amount stated in the approval to construct the extension and may include costs directly associated with upgrading existing facilities to accommodate the proposed development together with legal costs or other related costs incurred by the *District* and the *Applicant*.
- (b) Any extension to the *Bald Mountain Sewer System* shall be constructed in accordance with the plans and specifications of the *District* and to the approval of the *Manager*.
- (c) Where a *Sewer* is extended, the minimum inside diameter shall be 200-mm and shall extend from the most convenient existing *Sewer* having sufficient surplus capacity and grade to carry the additional sewage resulting from the said extension, to a point opposite the furthest boundary of the last parcel of land to be served by the said extension. The decision regarding the point of connection to the public *Sewer* rests with the *Manager*.

7. MISCELLANEOUS SERVICES

1. The *District* is responsible for the flushing, cleaning, rodding, unblocking and repairing of *Sewer Service Connections*.
2. Where any *Private Sewer Service Pipe* is found to have been blocked or damaged through the action of the *Consumer* occupying the property served by the pipe, or through the actions of any other person, the cost of labour and materials used to repair such blockage or damage shall be the responsibility of the *Owner*.
3. The *Treasurer* shall, upon written request accompanied by payment of the fee set out in Schedule D in respect to each separate parcel of land or *Premises*, furnish any *Applicant* with a written certificate showing the arrears of *Sewer Rates*, *Sewer Surcharge Rates*, *Sewer Charges* and *Parcel Tax* due on, or in respect of, any parcel of land or *Premises* up to the date to which such *Sewer Rates* and *Sewer Charges* were last computed, the duration of the last billing period, and the net amount billed during that period.
4. Cheques submitted by *Consumers* for the payment of *Sewer Rates*, *Sewer Surcharge Rates*, *Sewer Charges*, or *Parcel Tax* and subsequently dishonoured by the banks on which they are drawn, will be processed by the *Treasurer* for the charge set out in Schedule D.

.../17

8. BILLING AND COLLECTING SEWER SURCHARGE RATES AND SEWER CHARGES

1. (a) All *Sewer Rates*, *Sewer Surcharge Rates*, and *Sewer Charges* shall be payable for services provided and shall be due and payable when rendered.
- (b) Subject to sub-section (c), regular billings for *Sewer Rates* or *Sewer Surcharge Rates* may be rendered annually, quarterly, monthly or bimonthly at the discretion of the *Treasurer*.
- (c) The *Treasurer* may in writing direct that any *Consumer* receive regular billings for *Sewer Rates* or *Sewer Surcharge Rates* at any periodic interval other than the intervals set out in sub-section (b).
- (d) The *Treasurer* may with reasonable notice advance or delay any regular billing of *Sewer Rates* or *Sewer Surcharge Rates*.
- (e) To protect the *District* against potential losses from unpaid *Sewer Charges*, the *Treasurer* may, at his discretion, demand in writing a security deposit by way of cash, certified cheque, letter of credit or guarantee from a *Consumer* from whom delinquent charges and fees can not be applied to property taxes.
- (f) The amount of the security deposit shall be no less than an amount equal to a *Consumer's* estimated *Sewer* bill for a period of 180 days.
2. (a) All *Sewer Rates* and *Sewer Surcharge Rates* are established in amounts that reflect a discount for prompt payment in the percentage set out in the Schedules of this Bylaw.
- (b) Where any billing for *Sewer Rates* or *Sewer Surcharge Rates* remains unpaid after sixty (60) calendar days after the invoice date, the *Consumer* shall lose the discount for prompt payment set out in Schedules A and B, and/or as shown on the *Sewer* bill after the due date established by the *Treasurer*.
3. (a) All *Sewer* bills shall be distributed to *Consumers* by ordinary, prepaid mail or by any other means as deemed expedient and necessary by the *Treasurer*.
- (b) *Sewer Rates*, *Sewer Surcharge Rates* and *Sewer Charges* may, at the discretion of the *Treasurer*, be charged and billed to:
 - (i) the person requesting that *Sewer* services be provided, or
 - (ii) the person in occupation of the *Premises* served by the *Bald Mountain Sewer System*, or
 - (iii) the *Owner* of the *Premises* served by the *Bald Mountain Sewer System*.
- (c) All *Sewer Rates*, *Sewer Surcharge Rates* and *Sewer Charges* for services rendered to buildings having multiple *Units* but served by a single *Sewer Service Connection* shall be charged and billed to the *Owner* of the building unless otherwise directed in writing by the *Treasurer* and agreed to by the *Treasurer*.

.../18

- (d) All *Sewer Rates, Sewer Surcharge Rates* and *Sewer Charges* for services rendered to buildings registered under The Strata Property Act shall be billed to the strata corporation unless otherwise directed in writing by the *Treasurer* and agreed to by the *Treasurer*.
- (e) Payment may be made, with no additional service charge, by personal cheque through the mail, by personal cheque, cash or debit in person at the Cowichan Valley Regional District office at 175 Ingram Street, Duncan, British Columbia, V9L 1N8, or by telephone or internet banking.

9. OFFENCES AND SANCTIONS

1. Every person who:
 - (a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted, the *District*, or any of its officers, contractors, employees or agents, in the exercise of any of the powers conferred by this bylaw;
 - (b) lays or causes to be laid any pipe or *Sewer* to communicate with any pipe or *Sewer* of the *Bald Mountain Sewer System*, or in any way obtains use of *Sewer Services* without the consent of the *District*;
 - (c) wilfully causes the *Bald Mountain Sewer System* to be blocked, obstructed, or damaged in any way;
 - (d) discharges or throws, or causes, allows or permits to be discharged, deposited or thrown into any Sewer Service Area, plumbing fixtures connected thereto, manhole, inspection chamber or any other part of the *Sewer* system, any substance of any kind whatsoever that would tend to obstruct or injure the *Bald Mountain Sewer System*, or to cause any nuisance, or which will in any manner interfere with the proper functioning, maintenance or repair of the *Sewer Service*, and will be dealt with under Schedule F of this Bylaw.
 - (e) maliciously, wilfully, or negligently breaks, damages, destroys, uncovers, defaces, mars or tamper with any part of the Sewer Service Area is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.00.
2. Pursuant to the "Local Government Act", any rates, charges and/or fees which remain unpaid after December 31 in any year shall be deemed to be taxes in arrears on the property concerned, with interest on those taxes in arrears calculated in accordance the "Local Government Act".

10. SOURCE CONTROL

1. Refer to Schedule F for details.

.../19

11. REMAINDER OF BYLAW TO REMAIN INTACT:

In the event that a Court of competent jurisdiction declares any portion of this bylaw ultra vires, then such portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

12. FORCE AND EFFECT – SCHEDULE A

Schedule A (Sewer Surcharge Rates {Metered Water Consumption}) may come into force and effect once a CVRD metered water system is in place.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



C.V.R.D.

SCHEDULE A

TO BYLAW NO. 3244

SEWER SURCHARGE RATES (METERED WATER CONSUMPTION)

.Intended for metered water consumption, sewer surcharge rates are calculated on a basis of water consumed. Not applicable in this bylaw.



SCHEDULE B

TO CVRD BYLAW NO. 3244

SEWER SERVICE CHARGES

(a) *Consumers of Sewer Services* who are not charged a sewer surcharge rate, shall pay the minimum billing set out in sub-section (c) below.

(b) Minimum Sewer Classification Charge per Six (6) month billing period

Classification	Charge	10% discount	Discounted Amount
Single Family Dwelling: -Per Dwelling	135.00	13.50	121.50
Step system-Per Dwelling	114.75	11.48	103.27
Apartment -Per Unit	114.75	11.48	103.27
Mobile Home Park-Per Unit	135.00	13.50	121.50
RV Trailer Park / Campground:			
<u>Site Connected to Sewer: per serviced pad or site</u>	67.50	6.75	60.75
<u>Site Not Connected to Sewer: per pad or site</u>	13.50	1.35	12.15
Hotel / Motel			
a) <u>Room or Suite: per room or suite</u>	54.00	5.40	48.60
b) <u>Kitchenette or Housekeeping Unit: per kitchenette or housekeeping unit</u>	81.00	8.10	72.90
Restaurants: Per seat	8.10	0.81	7.29
Licensed Premises: Per seat	8.10	0.81	7.29
Laundromat:			
Minimum charge for each washing machine	135.00	13.50	121.50
Commercial: Minimum charge for the first 5 employees or portion thereof per shift	67.50	6.75	60.75
Each additional 5 employees or portion thereof per shift	67.50	6.75	60.75

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School Minimum charge per classroom	135.00	13.50	121.50
Continuing Care Facility Minimum charge for each bed	101.25	10.13	91.12
Bed & Breakfast / Rooming House:			
The minimum charge for such facility shall include the minimum charge for a single family dwelling unit plus a minimum charge for each and every guest room			
a) Single Family Dwelling	135.00	13.50	121.50
b) Per guest room	54.00	5.40	48.60
Others (for each 259 Igal. of daily metered or estimated water consumption). There should be a minimum of 1 unit applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number			

Single Family Dwelling:

Applies to any connection servicing 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 and a cabin.

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a **Sanitary Sewer** disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate **Sanitary Sewer** disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Other:

The minimum charge and the volume of discharge to be apportioned for a six (6) month period for other types of developments that, in the opinion of the **Manager**, do not fall within the above classifications, shall be determined by the **Manager** and his decision shall be final.

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

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Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.



SCHEDULE C

TO CVRD BYLAW NO. 3244

1. Parcel Tax Being Paid

The *Sewer Service Connection Charges* for property, which has been paying the annual Parcel Tax, are outlined below:

.1 EXISTING LOT (permits servicing of one unit or building).

(a) An application for *Sewer Service* shall be accompanied by a payment equal to the *Sewer Service Connection Charge* of:

100-mm or 150-mm diameter connection.....\$300.00

plus a deposit in the amount of the *Manager's estimate* to complete such works. The above charges and deposit must be received by the Cowichan Valley Regional District before the work can be scheduled. The deposit will be applied against the actual cost of the *Sewer Service Connection* installation.

(b) Where the *Sewer Service Connection* has been installed by the subdivider entirely at his cost and the *Sewer Service Connection Charge* for each connection has been prepaid, the *Applicant* for *Sewer Service* shall only be required to complete a Sewer Connection Application.

.2 EXISTING LOT TO BE SUBDIVIDED:

(a) Lot presently serviced:

- *First lot exempt.....n/a
- Each additional lot created.....\$3,500.00

*Where the existing *Sewer Service Connection* is not utilized, the *Subdivider* will pay a *Sewer Service Connection Charge* of \$300.00

(b) Lot not presently serviced:

- First lot.....\$300.00
- Each additional lot created.....\$3,500.00

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(c) Pre-installed Sewer Connection – where the *Sewer Service Connection* has been installed by the subdivider entirely at his own cost, but the *Sewer Service Connection Charge* has not been prepaid, then the *Applicant* for *Sewer Service* shall be required to complete a *Sewer Service Connection* Application and pay the *Sewer Service Connection Charge* of \$3,500.00.

.3 SEWER SERVICE CONNECTION TO ADDITIONAL UNITS OR BUILDINGS:
Where a *Sewer Service Connection* is to be installed to additional *Units* or buildings on an existing lot and the lot is:

- (a) Vacant: First *Unit* or building.....n/a
(included under Sub-Section 1.1)
Each additional unit or building.....\$3,500.00
- (b) Presently Occupied and Serviced
Each additional *Unit* or building.....\$3,500.00

2. **Parcel Tax Not Being Paid**

.1 EXISTING LOT:
(permits servicing of one *unit* or *building*)\$3,500.00

.2 EXISTING LOT TO BE SUBDIVIDED:
Each and every newly created *Lot*\$3,500.00

.3 SEWER SERVICE CONNECTION TO ADDITIONAL UNITS OR BUILDINGS:
Where a *Sewer Service Connection* is to be installed to additional *Units* or buildings on an existing lot and the lot is:

- (a) Vacant: First *Unit* or building..... n/a
(Included under Section 2.1 above)
Each additional *Unit* or building.....\$3,500.00
- (b) Presently Occupied and Serviced
Each additional *Unit* or building.....\$3,500.00

3. **High Flow Rates**

The above *Sewer Service Connection Charge* shall be levied where applicable; however, where in the opinion of the *District*, the flow rates from the intended use or from a change in use of a *Lot*, *Unit* or *Building*, exceeds maximum daily flow of 2.5 cubic metres per day (550 Imperial gallons per day), then the *Applicant* may be required to pay additional *Sewer Service Connection Charges* in proportion to the flow rates as determined by the *District*, and/or complete an application of a Waste Discharge Permit. The decision of the *District* shall be final.

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4. Other

The above Sewer Service Connection Charge shall be levied where applicable, however, where in the opinion of the *District*, the flow rates from the intended use or change in use of a *Lot, Unit* or *Building* may be limited, temporary or seasonal, the *Applicant* may submit a detailed report for review by the District to determine if the *Sewer Service Connection Charge* may be adjusted to suit the intended use. The decision of the *District* shall be final.

5. Disconnection of a Sewer Service Connection

Where a *Sewer Service Connection* is to be abandoned and must be disconnected as determined by the *Manager*, the cost to the *Owner* of the property serviced shall be based on the actual cost to complete the work required plus a 10% Administration charge.

6. Re-use of Abandoned Sewer Service Connection

Inspection fee of previously abandoned, or disused,
Sewer Service Connection----- \$50.00, plus the actual cost of a video inspection



C·V·R·D

SCHEDULE D

TO CVRD BYLAW NO. 3244

MISCELLANEOUS CHARGES

1. Supply statement of account
pursuant to Section 7 (3)No Charge
2. Processing dishonoured cheques
pursuant to Section 7 (4).....No Charge



SCHEDULE E

TO CVRD BYLAW NO. 3244

SEWER EXTENSION CHARGES

All applications for extension of the *Bald Mountain Sewer System* shall be accompanied by a *Sewer Extension Application Fee* calculated as follows:

(a) Applications to Serve Subdivisions:

A fee of **\$500.00**, plus \$50.00 per lot to be created by the proposed subdivision.

(b) Other Applications:

A fee of **\$25.00** plus \$100.00 per hectare (or part thereof) of land proposed to be serviced.



SCHEDULE F

TO CVRD BYLAW NO. 3244

SOURCE CONTROL

1. DISCHARGES TO SEWERS

- .1 No person shall directly or indirectly *Discharge* or allow or cause to be *Discharged* into a *Sewer* connected to a *Sewage Facility* operated by the *District*, any waste which, at the point of discharge, contains:
 - (a) Any *Prohibited Waste*, as described in Article "A".
 - (b) Any *Restricted Waste*, at a concentration in excess of the limits set out in Article "B"; unless that person has first obtained a *Waste Discharge Permit* or *Authorization*.
 - (c) Any *High Volume Discharge* unless that person has first obtained a *Waste Discharge Permit* or *Authorization*; or
 - (d) Any *Uncontaminated Water* in a volume greater than 2.0 cubic metres per day without prior *Authorization* from the *Manager*.
 - (e) Any *Stormwater* without prior *Authorization* from the *Manager*.
- .2 No person shall directly or indirectly *Discharge*, or allow or cause to be *Discharged* into a *Sewer* connected to a *Sewage Facility* operated by the *District* any water or other *Substances* for the purpose of diluting any *Non-domestic Waste*.
- .3 In order to obtain and maintain the *Authorization* referred to in paragraph 2.1(d), where the *Uncontaminated Water* is produced on property, other than *Residential Property*, and is from a source other than a *Waterworks*, a person shall:
 - (a) install and thereafter maintain, at that person's expense, a meter on the water supply generating the *Authorized Discharge*; and
 - (b) supply to the *Manager*, by the tenth (10th) of each month, an accurate calculation of the volume of water measured pursuant to paragraph 2.4(a).

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- 4 Every person who directly or indirectly *Discharges Waste* or *Substances* produced, treated, handled, or stored on property other than *Residential Property* into a *Sewer* connected to a *Sewer Facility* operated by the *District* shall, as a condition of that *Discharge*:
- (a) provide and maintain facilities to prevent accidental *Discharge*, or a *Discharge* contrary to this Schedule for *Substances* which, if accidentally *Discharged*, would constitute *Prohibited* or *Restricted Waste*;
 - (b) post, and keep posted, permanent signs in conspicuous locations on the *Premises* displaying the name, telephone number of the person to call as prescribed in Article "C" in the event of accidental *Discharge* of a *Prohibited* or *Restricted Waste*; and
 - (c) inform employees, who may cause or discover the *Discharge* of *Prohibited* or *Restricted Waste*, of the notification procedures set out in Section 5 of this Schedule.
- .5 *Oil and Grease* interceptors shall be installed for all food preparation facilities including restaurants, canning operations, killing and processing facilities, as close to the source of the *Waste* material as practical.
- .6 Grease, oil and sand interceptors shall be installed for all vehicle repair and maintenance establishments and service stations, as close to the source of the *Waste* material as practical.
- .7 Separate sand traps and *Oil and Grease* interceptors shall be installed for all establishments that provide vehicle or equipment washing facilities. Sand traps shall be located upstream from the *Oil and Grease* interceptors, and shall have a minimum liquid depth of 1 metre and a maximum overflow rate of 8 L/m/m² under peak flow conditions. Sand and silt shall be removed from sand traps before these materials occupy 25 percent of the liquid depth. Accumulated *Oil and Grease* shall be skimmed off the surface of the interceptors and other sumps often enough to prevent these materials from escaping to the *Sewer*.
- .8 Interceptors are required for all industries or commercial establishments as necessary for the removal of grease, flammable wastes, sand, grit or other restricted substances.
- .9 All interceptors shall be installed on the parcel, upstream of the *Service Connection* and shall be located as to be readily accessible for cleaning and inspection.
- .10 All interceptors shall be maintained by the *Owner* or occupier in efficient operation at all times.
- .11 Volume Restriction: *Wastewater* or other *Water* shall not be *Discharged* into the *Sanitary Sewer* System in a volume that causes the *Sanitary Sewer* System to back up or leak at any point.

- .12 Special Control Manholes and Flow Meters: Any *Owner* or occupier of *Premises* that are the location of a facility that is discharging or likely to *Discharge Wastewater* to the *Sanitary Sewer* System in a volume that exceeds 90 m³ per month shall install a control manhole and flow meter on the building *Sewer* at a location that is suitable for the inspection and sampling of the discharged waters.
- .13 The rate or rates of *Discharge* for various times of a twenty-four hour period for any industry connected to the *Sanitary Sewer* system shall not exceed the extra capacity of the *Sanitary Sewer* system after all the other regular users have been accommodated. Such industries shall install and maintain on their own properties, such holding facilities, pumps, valves, flow regulating and measuring devices as may be required by the *Manager* to ensure that the specified flow rates shall not be exceeded.
- .14 The control manhole shall be installed and maintained at the expense of the *Owner* or occupier of the *Premises* and shall be accessible at all times to the *District*.
- .15 The control manhole shall have a barrel diameter of 1200-mm, and shall be located on a straight run of building sewer extending at least 3 metres upstream of the manhole and 2 metres downstream. The section of building sewer on which the manhole is located shall have a gradient not exceeding 2 percent.
- .16 If the *Manager* deems necessary, a permanent flow meter (e.g. "Palmer Bowlus") shall be installed as an integral part of the control manhole, and shall be sized to suit the peak design flows.

2. WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

- .1 The *Manager* may issue a *Waste Discharge Permit* or *Authorization* to allow a *High Volume Discharge*, or to allow the *Discharge* of *Waste* other than *Domestic Sewage* upon such terms and conditions as the *Manager* considers appropriate for the protection of *Sewers*, sewage facilities, human or animal health and safety, and the environment, and without limiting the generality of the foregoing, may in the *Waste Discharge Permit* or *Authorization*;
 - (a) place limits and restrictions on the quantity, frequency of *Discharge*, and the nature of the *Waste* permitted to be discharged;
 - (b) require the holder of a *Waste Discharge Permit* or *Authorization*, at his expense, to repair, alter, remove, or add works, or construct new works to ensure that the *Discharge* will comply with the *Waste Discharge Permit* or *Authorization*, this Schedule, and any *Enactment*;

.../4

- (c) require the holder of a *Waste Discharge Permit* or *Authorization*, at his expense, to monitor the *Waste* being discharged under the *Waste Discharge Permit* or *Authorization* in the manner specified by the *Manager*, and to provide information concerning the *Discharge* as requested by the *Manager* including, but not limited to, routine maintenance check dates, cleaning and *Waste* removal dates, and the means of disposal of accumulated *Wastes* and *Waste* treatment residuals;
 - (d) require the holder of the *Waste Discharge Permit* or *Authorization* to submit to the *Manager* detailed plans and operating procedures for all existing facilities installed on the *Premises* for the purpose of preventing accidental *Discharge*;
 - (e) require compliance by the holder of the *Waste Discharge Permit* or *Authorization* with such other *Enactments* as the *Manager* considers necessary or desirable in the circumstances;
 - (f) make such other requirements as the *Manager* deems necessary or desirable.
- .2 Notwithstanding paragraphs 2.1(b) and (c), the *Manager* may require any *Applicant* or person to obtain a *Waste Discharge Permit* or *Authorization* for the *Discharge* of any *Non-domestic Waste* that is not a *High Volume Discharge* or a *Restricted Waste*.
 - .3 Upon receipt of notice under subsection 3.2, the *Applicant* or person receiving the notice shall, within 30 days, apply for a *Waste Discharge Permit* or *Authorization* and shall provide to the *Manager* such information relating to the *Discharge* of *Non-domestic Waste* by that person as the *Manager* may require.
 - .4 The *Manager* may suspend or revoke a *Waste Discharge Permit* or *Authorization* for a failure to comply with the terms and conditions of the *Waste Discharge Permit* or *Authorization*, or for any failure to comply with this Schedule, or any *Enactment* applicable to the *Discharge* of *Waste* into a *Sanitary Sewer* connected to a *Sewage Facility* operated by the *District*.
 - .5 (a) A *Waste Discharge Permit* or *Authorization* may not be transferred or assigned without the *Manager's* consent in writing.

(b) The *Manager* may withhold consent where there has been a breach of this Schedule or a condition of the *Waste Discharge Permit* or *Authorization*.
 - .6 An application for a *Waste Discharge Permit* for a new *Discharge*, or an amendment to an existing *Waste Discharge Permit*, shall be made to the *Manager* on the form attached hereto as Article "C", and shall be accompanied by such information, drawings, and specifications as may be required under Article "C".

.../5

3. MAINTENANCE OF WORKS AND PROCEDURES

- .1 It is a condition of the *Discharge* of *Waste* (produced on property other than *Residential Property*) into a *Sanitary Sewer* by a person who holds a *Waste Discharge Permit* or *Authorization*, or who otherwise discharges *Waste*, that all measures be taken to keep all equipment and facilities maintained and in good repair as may be necessary to ensure compliance with the terms and conditions of this Schedule, a *Waste Discharge Permit* or *Authorization*.
- .2 No person shall Discharge or allow or cause to be discharged, into a *Sewage Facility* or a *Sewer* connected to a *Sewage Facility* operated by the *District*, *Non-domestic Waste*, which has bypassed any *Waste* control works *Authorized* and required by the *Manager*, or which is not otherwise in compliance with this Schedule.

4. RECORDS RETENTION

- .1 Holders of a *Waste Discharge Permit* or *Authorization* permitting the *Discharge* of *Waste* produced on property other than *Residential Property*;
 - (a) shall retain and preserve for not less than six (6) years after their creation, any records, books, documents, memoranda, reports, correspondence, and any and all summaries of such documents, relating to monitoring, sampling and chemical analysis required by the *Manager*, a *Waste Discharge Permit*, or *Authorization*.
 - (b) shall retain and preserve all records that pertain to issues that are the subject of administrative action or any other enforcement or litigation activities by the *District* until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. NOTIFICATION

- .1 Any person who discharges *Waste* or allows the *Discharge* of *Waste* into a *Sewer* or a *Sewage Facility* in contravention of any *Waste Discharge Permit*, or *Authorization*, or that is otherwise in contravention of this Schedule, after becoming aware of the *Discharge*, shall stop the *Discharge*, and after reporting the *Discharge* in accordance with the *Spill Reporting Regulation* shall immediately notify:
 - (a) the *Manager* by telephone and provide the information specified in Sub-section 6.2;
 - (b) the *Owner* of the *Premises*; and
 - (c) any other person whom the person reporting knows, or reasonably should know, may be directly affected by the *Discharge*.
- .2 The *Manager* shall be supplied with the following information:
 - (a) identification of the *Premises* where the *Discharge* occurred;

.../6

- (b) location of the *Discharge*;
 - (c) name of the person reporting the *Discharge* and telephone number, or numbers, where that person can be reached;
 - (d) date, time and duration of the *Discharge*;
 - (e) type and concentration of all *Substances* discharged and any known associated hazards;
 - (f) total weight or volume of the material discharged; and
 - (g) corrective action being taken, or anticipated to be taken, to control the *Discharge* or to prevent similar *Discharges*.
- .3 A person who discharged or allowed a *Discharge* of *Waste* referred to in Subsection 6.1 shall, as soon as that person becomes aware, or reasonably should have become aware of the *Discharge*, take all reasonable measures to:
- (a) confine, minimize, counteract, mitigate, remedy, and repair the effects of the *Discharge*; and
 - (b) remove or otherwise dispose of the *Substance* discharged in a manner consistent with this Schedule and other applicable *Enactments*.
- .4 A person operating under a *Waste Discharge Permit* shall notify the *Manager* in writing not less than 90 days prior to:
- (a) commencing a new activity; or
 - (b) expanding or changing an existing activity;
- which affects or may affect the average composition, or the total volume of *Waste* discharged by that person.

6. POWERS OF THE MANAGER

- .1 The *Manager* may enforce the provisions of this Schedule.
- .2 The *Manager*, or any person *Authorized* by the *Manager*, may at any reasonable time and upon presentation of proof of his identity, enter upon any property or *Premises* in order to ascertain whether the terms of a *Waste Discharge Permit*, an *Authorization* have been, or are being complied with, or the regulations of this Schedule are being observed.
- .3 Nothing in this Schedule shall be interpreted as restricting the powers of the Regional Manager of the Ministry of Environment under the *Environmental Management Act* of British Columbia and Regulations, or of the *Manager*.

.../7

7. MONITORING OF DISCHARGES

- .1 A *Manager*, may require that a person who is discharging any *Waste* other than *Domestic Sewage* into a *Sewer* shall, at his expense, install one or more *Monitoring Points* suitable for inspection, flow monitoring, and sample collection at locations determined by the *Manager*, to be constructed in accordance with plans approved by the *Manager* and maintained in good working order by the person.
- .2 A *Monitoring Point* required under subsection 7.1 shall be installed in a manner so as not to be affected by any *Discharge of Domestic Waste* from a *Premises*, unless otherwise *Authorized* by the *Manager*.
- .3 A *Monitoring Point* required under subsection 7.1 shall, for the purposes of enforcing this Schedule, be deemed to be the point or points at which a *Discharge* into a *Sewer* or *Sewage Facility* is made.
- .4 In the absence of a *Monitoring Point* under subsection 7.1, the point of *Discharge* into a *Sewer* or *Sewage Facility* shall, for the purposes of enforcing this Schedule, be the location determined by the *Manager* where access can be had to the *Waste* for the purpose of sampling.
- .5 Where a person is required to install a *Monitoring Point* under subsection 7.1, and the person cannot comply with such requirement within 60 days of being notified of the requirement by the *Manager*, the person shall, within 60 days of the notice being issued by the *Manager*, inform the *Manager* of his inability to install the *Monitoring Point* and the *District* may install, or cause to be installed, the *Monitoring Point* at the person's expense.
- .6 The *Owner* of a *Premises* shall ensure that all *Monitoring Points*, flow measuring devices and other devices specified in the *Waste Discharge Permit*, including water meters, are accessible for inspection by the *Manager* at all times.
- .7 The *Manager* may require that a person who is discharging *Waste* into a *Sewer* undertake, at that person's expense, sampling and analysis of the *Waste* discharged.
- .8 All sampling and analysis required by a *Manager* shall be carried out in accordance with methods and procedures specified in *Standard Methods* or in a manner specified by the *Manager*.
- .9 Samples which have been collected as the result of a requirement of the *Manager* shall be analysed by an independent agency or by a laboratory *Authorized* by the *Manager*.

8. OFFENCES AND PENALTIES

- .1 A person who contravenes this Schedule, a *Waste Discharge Permit*, or *Authorization* issued under this Schedule, or other requirement made or imposed under this Schedule, is guilty of an offence and is liable to a fine not exceeding \$10,000.00.
- .2 Where an offence is committed or continues for more than one day, a person shall be

.../8

deemed to have committed separate offences for each day on, or during which an offence occurs or continues, and separate fines, each not exceeding \$10,000.00 may be imposed for each day on or during which an offence occurs or continues.

- .3 Nothing in this Schedule shall limit the *District* from pursuing any other remedy that would otherwise be available to the *District* at law.

9. GENERAL

- .1 No person shall hinder or prevent the *Manager*, or a Bylaw Enforcement Officer, from entering any *Premises* or from carrying out his duties with respect to the administration of this Bylaw.
- .2 Nothing in this Schedule shall be interpreted as relieving a person discharging *Waste* from complying with federal, provincial and local government *Enactments* governing the *Discharge* of *Waste* into *Sewers*.
- .3 Where the *Regional Board* has authority to direct that a matter or thing be done by a person, the *Regional Board* may also direct that, if the person fails to take the required action, the matter, or thing, shall be done at the expense of the person in default in accordance with the Local Government Act. If action in default is taken, the *Regional Board* may recover the expense from the person, together with costs and interest at the rate prescribed under Section 11(3) of the Taxation (Rural Area) Act, in the same manner as municipal taxes.
- .4 The Articles annexed hereto shall be deemed to be an integral part of this Schedule.
- .5 If any provision of this Schedule is found to be invalid by a court of competent jurisdiction it may be severed from the Schedule.
- .6 The headings in this Schedule are inserted for convenience of reference only.

.../9

ARTICLE "A"

PROHIBITED WASTE

Prohibited Waste means:

1. *Special Waste:*

Special Waste as defined by the *Environmental Management Act* of British Columbia and its Regulations.

2. *Air Contaminant Waste:*

Any *Waste* other than *Sanitary Waste* which, by itself or in combination with another *Substance*, is capable of creating, causing or introducing an *Air Contaminant* outside any *Sewer* or *Sewage Facility*, or is capable of creating, causing or introducing an *Air Contaminant* within any *Sewer* or *Sewage Facility* which would prevent safe entry by *Authorized* personnel.

3. *Flammable or Explosive Waste:*

Any *Waste*, which by itself or in combination with another *Substance*, is capable of causing, or contributing to an explosion, or supporting combustion in any *Sewer* or *Sewage Facility* including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

4. *Obstructive Waste:*

Any *Waste* which by itself, or in combination with another *Substance*, is capable of obstructing the flow of, or interfering with, the operation or performance of any *Sewer* or *Sewage Facility* including, but not limited to earth, sand, sweepings, gardening, or agricultural waste, ash, chemicals, paint, metal, glass, *Sharps*, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl and solidified fat.

5. *Corrosive Waste:*

Any *Waste* with corrosive properties which, by itself, or in combination with any other *Substance*, may cause damage to any *Sewer* or *Sewage Facility*, or which may prevent safe entry by *Authorized* personnel.

6. *High Temperature Waste:*

(a) Any *Waste* which, by itself or in combination with another *Substance*, will create heat in amounts which will interfere with the operation and maintenance of a *Sewer* or *Sewage Facility*, or with the treatment of *Waste* in a *Sewage Facility*;

(b) Any *Waste* which will raise the temperature of *Waste* entering any *Sewage Facility* to 40 degrees Celsius (104 degrees Fahrenheit), or more;

(c) Any *Non-domestic Waste* with a temperature of 65 degrees Celsius (150 degrees Fahrenheit), or more.

.../10

7. **Biomedical Waste:**

Any of the following categories of **Biomedical Waste**, human anatomical waste, animal waste, untreated microbiological waste, waste **Sharps** and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Bio-safety Guidelines" published by Health and Welfare Canada and dated 1990.

8. **PCBs, Pesticides:**

Any **Waste** containing **PCBs** or **Pesticides**.

9. **Miscellaneous Wastes:**

Any **Waste**, other than **Sanitary Waste**, which by itself, or in combination with another **Substance**:

- (a) constitutes or may constitute a significant health or safety hazard to any person;
- (b) may interfere with any sewage treatment process;
- (c) may cause a **Discharge** from a **Sewage Facility** to contravene any requirements by or under any BC Waste Management Discharge Permit, or any other act, law or regulation governing the quality of the **Discharge**, or may cause the **Discharge** to result in a hazard to people, animals, property or vegetation;
- (d) may cause **Biosolids** to fail criteria for beneficial land application in British Columbia as set out in the draft "Guidelines for the Disposal of Domestic Sludge under the **Environmental Management Act**", prepared by the Ministry of Water, Land and Air Protection and dated 1983, or may cause the emissions from a **Wastewater Sludge** combustion facility to be out of compliance with appropriate permits, or may cause the ashes from a **Wastewater Sludge** combustion facility to be considered a **Special Waste** under the **Environmental Management Act** of British Columbia.

.../11

ARTICLE "B"

RESTRICTED WASTE

Restricted Waste means:

1. Any **Waste** which, at the point of **Discharge** into a **Sewer**, contains any **Contaminant** at a concentration in excess of the limits set out below. All concentrations are expressed as total concentrations which includes all forms of the **Contaminant**, whether dissolved or undissolved. The concentration limits apply to both **Grab** and **Composite Samples**. **Contaminant** definitions and methods of analysis are outlined in **Standard Methods** or methods specified by the **Manager**.

Any of the **Contaminants** listed below in tables (a), (b) or (c) that are present in a **Waste** at dissolved concentrations in excess of the **Special Waste Regulation Leachate Quality Criteria** will qualify that **Waste**, regardless of the sampling method used, as a **Special Waste**.

(a) CONVENTIONAL CONTAMINANTS (mg/L)	
Biochemical Oxygen Demand (BOD)	300
Chemical Oxygen Demand (COD)	600
Oil and Grease	100
Suspended Solids	350
Total Nitrogen	80
Total Phosphorous	10

NOTE: *Total **Oil and Grease** includes Petroleum Hydrocarbons (see table (b)).

(b) ORGANIC CONTAMINANTS (mg/L)	
Benzene, Ethyl Benzene, Toluene, Xylene (BETX)	1
Chlorinated Phenols	1.0
Polycyclic Aromatic Hydrocarbons (PAH)	0.05
Phenols	1
Petroleum Hydrocarbons	15

(c) INORGANIC CONTAMINANTS (mg/L)	
Aluminium (Al)	50.0
Arsenic (As)	1.0
Boron	50.0
Cadmium (Cd)	0.2
Chromium (Cr)	4.0
Cobalt (Co)	5.0
Copper (Cu)	2.0
Cyanide (CN)	1.0
Iron (Fe)	10.0
Lead (Pb)	1.0
Manganese (Mn)	5.0
Mercury (Hg)	0.05
Molybdenum (Mo)	1.0

Nickel (Ni)	2.0
Silver (Ag)	1.0
Sulphate (SO ₄)	1500
Sulphide (S)	1.0
Tin (Sn)	5.0
Zinc (Zn)	3.0

2. **Food Waste:**

Any *Non-domestic Waste* from cooking and handling of food that, at the point of *Discharge* into a *Sewer*, contains particles larger than 0.5 centimetres in any dimension.

3. **Radioactive Waste:**

Any *Waste* containing *Radioactive Materials* that, at the point of *Discharge* into a *Sewer*, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

4. **pH Waste:**

Any *Non-domestic Waste* which, at the point of *Discharge* into a *Sewer*, has a *pH* lower than 5.5 or higher than 9.5 as determined by either a *Grab* or a *Composite Sample*.

5. **Dyes and Colouring Material:**

Dyes or colouring materials which may pass through a *Sewage Facility* and discolour the effluent from a *Sewage Facility* except where the dye is used by the *District*, or one or more of its *Municipalities*, as a tracer.

.../13

ARTICLE "C"

WASTE DISCHARGE PERMIT APPLICATION

This Information Sheet is provided to assist you in the preparation and submission of an application for a *Waste Discharge Permit* under the CVRD – Bald Mountain Sewer System Manager Bylaw Management Bylaw No. 2988, 2009. Once the form has been completed, initial each page and sign the declaration. To assist the CVRD Engineering & Environmental Services Department in processing of the application, please make an accurate, readable and complete submission to the address provided below.

A. APPLICATION FORMS

1. COMPANY INFORMATION:

Indicate the company name, incorporation number, type of business, and location of the business. If your business or organization has more than one site address, please copy this form and complete a separate application for each site.

2. SUMMARY OF EFFLUENT DISCHARGE CHARACTERISTICS:

Complete this section to indicate *Discharge* duration, volume and quality.

3. NUMBER OF CONNECTIONS:

List the number and type of connections to *Sewer*.

4. SOURCES OF WASTEWATER:

Where *Non-domestic Waste* is being discharged to *Sanitary Sewer* or *Storm Sewer*, list any pre-treatment works and the actual source of the wastewater.

5. SITE PLAN:

A site plan must be submitted. Clearly mark the plant boundary, buildings, and approximate locations of new and existing works, *Monitoring Points* and *Sewer* connections.

6. DECLARATION FORM:

The application form must be signed. Please ensure that the first box in the Declaration Section is complete. An application may be filed by an agent of the *Applicant* and, unless the *Manager* deems otherwise, an obligation imposed by this Schedule on an *Applicant* may be carried out by his agent. If you wish to appoint an agent, please complete the appropriate box in the Declaration Section.

B. ADDITIONAL INFORMATION

1. Specifications and drawings of process equipment and control works associated with

the *Discharge* should be submitted to assist the CVRD's Engineering & Environmental Services Department with the evaluation of the application. The *Manager* may request submission of additional details relevant to the application. Should additional application forms be required, they may be obtained from:

Cowichan Valley Regional District
Engineering & Environmental Services Department
175 Ingram Street
Duncan, BC V9L 1N8

2. In the event of accidental *Discharge* of a *Prohibited* or *Restricted Waste* to a *Sewer* (as described under Articles A and B of this Schedule), please call *CVRD Engineering & Environmental Services Department*, Tel (250) 746-2530, Fax (250) 746-2543.

APPLICATION FOR A WASTE DISCHARGE PERMIT

Application for a *Waste Discharge Permit* under the Bald Mountain Sewer System Management Bylaw No. 3244, 2009. This application is to be filed with the *Manager*, as described in Article C, Section B.1, not less than 90 days prior to the date for which a Permit is required.

1. I, _____
(Full name - if a company, British Columbia Registered Name)

Registered Address: _____

Incorporation Number: _____

hereby apply for a *Waste Discharge Permit* to *Discharge Non-domestic Waste* into *Sanitary Sewer* from a:

(Type of Business)

Located at: _____

2. Summary of Wastewater Discharge Characteristics:

Maximum Duration of Operation: (hours/day) _____
(days/week) _____
(weeks/year) _____

Flow:

Is the *Discharge* greater than 90 m³ in a 30 day period?: yes no

Frequency:

Maximum *Discharge* flow rate: _____ (m³/day)

Average daily *Discharge* flow rate: _____ (m³/day)

Method of flow rate determination: _____

measured estimated

(NOTE: 1 m³ = 220 Imperial gallons, or 264 U.S. gallons)

Type of *Discharge*:

continuous batch both

Quality:

Use the check boxes to indicate whether any of the following types of *Wastes* are discharged:

Flammable or explosive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Obstructive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
<i>Air Contaminant</i> waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
High temperature waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Corrosive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no

Biomedical Waste

yes

no

Food waste

yes

no

Radioactive Waste

yes

no

Special Waste:

Does any process within the plant produce *Special Waste* as defined under the *Special Waste Regulation* of the *Environmental Management Act* of British Columbia?

yes

no

do not know

Wastewater Characteristics:

In the space provided below, check the appropriate box for each *Wastewater Contaminant* to indicate whether the *Contaminant* listed is "known to be present", "suspected to be present", "suspected to be absent", or "known to be absent", in the *Wastewater Discharge*.

If a *Contaminant* is "known to be present", or "suspected to be present", estimate the expected average and maximum daily *Contaminant* concentrations in the spaces provided.

If *Wastewater Discharges* have been sampled and analysed in the past, please attach examples of sampling data.

.../17

Wastewater Contaminants	<i>Known to be present</i>	<i>Suspected to be present</i>	<i>Suspected to be absent</i>	<i>Known to be absent</i>	<i>Expected Concentration mg/L (ppm)</i>	
					<u>Average</u>	<u>Maximum</u>
<u>Conventional Contaminants:</u>						
Ammonia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Biochemical Oxygen Demand (BOD)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Chemical Oxygen Demand (COD)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Total Phosphorous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Suspended Solids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Total Nitrogen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Oil and Grease (total)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
pH max_ min ____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<u>Organic Contaminants:</u>						
Petroleum Hydrocarbons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Phenols (total)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Phenols (chlorinated)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Polycyclic Aromatic Hydrocarbons (PAH)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

.../18

Wastewater Contaminants	<i>Known to be present</i>	<i>Suspected to be present</i>	<i>Suspected to be absent</i>	<i>Known to be absent</i>	<i>Expected Concentration mg/L (ppm)</i>	
					<u>Average</u>	<u>Maximum</u>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Benzene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Ethylbenzene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
					<u>Average</u>	<u>Maximum</u>
Toluene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Xylene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Solvents (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<u>Inorganic Contaminants</u>						
Arsenic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Cadmium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Chromium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Cobalt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Copper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Cyanide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Iron	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Lead	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Manganese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Mercury	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Molybdenum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Nickel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Silver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Sulphate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Tin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Zinc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

3. **Number of Connections to Sewer:**

a. **Sanitary Sewer:**

Domestic Waste only _____

Non-domestic Waste only _____

Combined domestic and *Non-domestic Waste* _____

(Note connection locations on attached site plan.)

Will *Stormwater* be *discharged* to *Sanitary Sewer*?

Yes Volume ____ m³/day No

Will contaminated or uncontaminated water be *discharged* to *Sanitary Sewer*?

(Note connection locations on attached site plan.)

Yes Volume ____ m³/day No

4. **Sources of Wastewater Discharge to Sewer:**

(Note location of sources and control works on attached site plan.)

SOURCE OF *WASTEWATER* CONTROL WORKS TREATING EACH SOURCE
PRIOR TO *DISCHARGE TO SEWER** (e.g. Trade Waste Interceptor)

a. **Sanitary Sewer:**

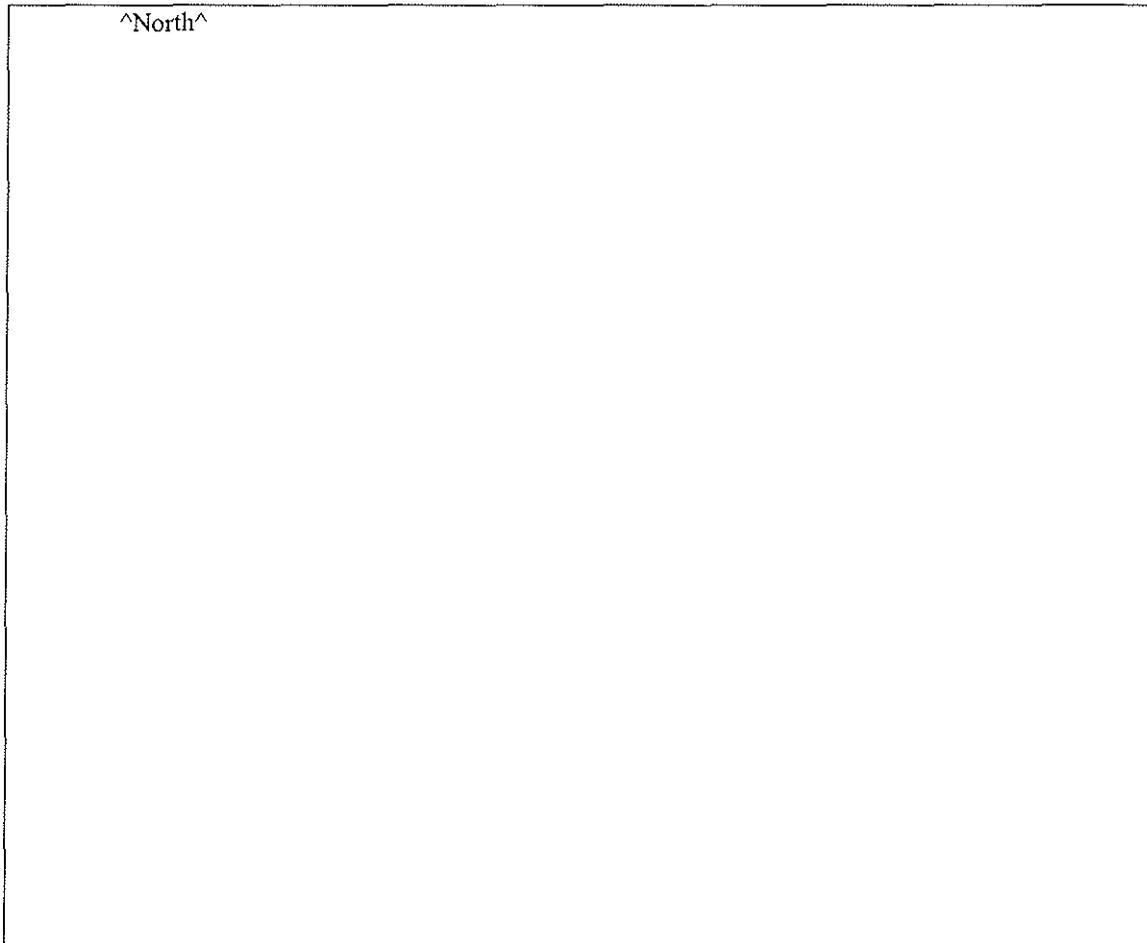
*Control Works include: oil/water separators, grease traps, filters, electrolytic precipitators, reverse osmosis units, ion exchange units, neutralization facilities and other *Wastewater* pre-treatment works.

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5. Site Plan:

Sketch a site plan in the area provided below or attach a site plan to this application form. The plan shall include property lines, buildings, pre-treatment works, effluent lines, sanitary and *Storm Sewer* connections, flow measuring devices, and *Monitoring Points* (or available sampling locations).

(Include approximate scale on site plan.)



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6. Declaration:

I, _____, declare that the information given on this application form is correct to the best of my knowledge.	
Signature of Applicant or Agent	Date
Title	Phone Number

If you elect to appoint an Agent, please complete the following:

I, _____ / _____
Print Name Title
Signature
hereby authorize _____ / _____
Print Name Affiliation
to deal with you directly on all aspects of the subject application.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3245

A Bylaw for the Regulation and Management of the
Bald Mountain Water System

WHEREAS the Board of the Cowichan Valley Regional District established the Bald Mountain Water System Service Area under the provision of CVRD Bylaw No. 3180, cited as "*CVRD Bylaw No. 3180 - Bald Mountain Water System Service Establishment Bylaw, 2008*", for the purpose of providing water services to a defined portion of Electoral Area I – Youbou/Meade Creek;

AND WHEREAS it is deemed necessary and expedient that provisions be made for the regulation and management of the Bald Mountain Water System and for terms and conditions upon which water services may be provided, and for a tariff of charges for such services;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3245 - Bald Mountain Water System Management Bylaw, 2009**".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"Allotment" means the maximum amount of water that may be used by a classification of user to which the minimum user charge for a specific billing period is applied.

"Applicant" means an owner or his agent making application for water services and from whom the District may expect to receive revenue on a continuing basis for this service.

"Bald Mountain Water System" means the water system currently servicing the **Bald Mountain Water System Service Area**, including all **District** water supply plants, intakes, wells, outlets, equipment, water storage tanks and reservoirs, water supply lines, pumping stations, watermains, appurtenances, water service connections, water meters and all other waterworks designated for the supply and distribution of water together with all other works related to the operation of the system, including electrical pumps and components, control systems and signal cable and all lands appropriated for such purposes and uses.

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"Bald Mountain Water System Service Area" means the service area established and defined by bylaw within which the *District* manages and operates a Community Water System.

"Building Service" means a water pipe extending from the property line to the plumbing system at the building or buildings on the subject property whether for domestic, or fire use.

"Capable of Connection" means that the parcel of land abuts a street, lane, public water right-of-way or easement, upon or under which there is a main water pipe with excess capacity and that the service connection will have adequate cover at the property line.

"Committee" means a standing committee, comprised of representatives from the *Regional Board*, which the Engineering and Environmental Services Department reports to.

"Consumer" means the *Owner* or occupant of property which is serviced by, connected to and uses *District Water*.

"District" means the Cowichan Valley Regional District.

"District Water" means water carried by the *Bald Mountain Water System Service Area*.

"Extension" means an extension to the main water pipe forming part of the *Bald Mountain Water System*.

"Main Water Pipe" means a pipe forming part of the public distribution system.

"Manager" means the person duly appointed General Manager of the Engineering and Environmental Services Department by the *Regional Board*, or his designate.

"Metered Water" means *District Water* supplied to *Consumers* through meters.

"Owner" means the person or persons holding a fee simple or equitable interest in land.

"Parcel Tax" means an annual tax levied on each parcel of land within the *Bald Mountain Water System Service Area* and as established by a separate bylaw.

"Private Water Supply System" means an assembly of pipes, fittings, valves, equipment and appurtenances that supplies water from a private source.

"Regional Board" means the Board of Directors of the Cowichan Valley Regional District

"Treasurer" means the person duly appointed Treasurer by the Regional Board, or his duly appointed delegate.

"Unit" means an "area within" a building which is segregated and self-contained and, in the case of multiple units, the units may be owned or rented by different persons or organizations.

"Unmetered Fire Line" means a *Water Service* supplying *Unmetered Water* directly to *Consumers* for purposes of fire protection and does not include a watermain serving fire hydrants owned and maintained by the *District*.

"Unmetered Water" means *District Water* supplied to *Consumers* without the use of meters.

"Water Charges" means the charges set out in Schedules A, B, C, D, E, F, and G to this bylaw.

"Water Meter" means a device used for measuring water consumption and used for revenue purposes by the *District*.

"Water Rates" means the rates set out in Schedules A, B, C, D, E, F, and G to this bylaw.

"Water Service" means the conduit connecting a watermain, which is part of the *Bald Mountain Water System*, to a building or buildings whether for domestic or fire purposes and such conduit shall consist of a *Water Service Connection* and a *Building Service*.

"Water Service Connection" shall mean the water pipe and its integral appurtenances that are placed (and generally at right angles thereto) from the watermain to near the *Owner's* property line or edge of statutory right-of-way and includes the curb stop and meter.

"Water Service Connection Charge" means the charges as set out in Schedule A.

3. ADMINISTRATIVE POLICY

1. (a) The responsibility for the construction, operation and maintenance of the *Bald Mountain Water System* is hereby vested in the *Manager* who shall operate the same under the established policy of the *Regional Board*.
- (b) No construction, operation or maintenance work of any kind or nature not specifically authorized by this bylaw shall be performed on the whole or any part of the *Bald Mountain Water System* except as authorized in writing by the *Manager*.
- (c) Ownership Of Water System - All water pipes, connections, appurtenances or facilities required for water distribution to the *Owner's* property line which are constructed, whether at the *Owner's* expense or *District* expense in present or future public highways or within *District* right-of-way or property, shall be the property of the *District*.

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2. (a) The *District* may supply *District Water* as circumstances, equipment and water supply permit.
- (b) No *District Water* shall be supplied to any parcel of land or buildings outside of the *Bald Mountain Water System Service Area* except by special agreement with the *District*.
- (c) All reasonable efforts will be made to ensure a supply of *District Water* to the consumer; however, the *District* does not guarantee to the *Consumer* an uninterrupted supply of *District Water* or that any standard of water pressure, water quantity or water quality will be met or maintained nor shall any failure to provide an uninterrupted supply of *District Water* or to meet any such standard be construed as neglect on the part of the *District*.
3. Any person authorized by the *Manager* shall have free access at all reasonable times, and upon reasonable notice being given to all parts of every building, chamber or other facility to which *District Water* is supplied, to inspect, observe, measure, sample and test any *Building Service* and its appurtenances within or without the building in order to ascertain whether or not the provisions of this bylaw are being obeyed.
4. (a) The *Manager* may upon reasonable notice shut off water within all or any part of the *Bald Mountain Water System*, however, in emergency situations, notice may not be given.
- (b) The *District* is not liable for damages caused by the breaking of any *Water Service*, watermain or appurtenance.
5. In the event of water shortage, the *Manager* may prescribe restrictions on the consumption, hours of consumption, and use of *District Water*.
6. Any person(s) before proceeding with, or authorizing, any construction which is proposed to be located under, across or along any watermain or other water works forming part of the *Bald Mountain Water System* shall notify the *Manager* in writing of his intention to proceed with the same, and if, in the opinion of the *Manager*, it becomes necessary to support or relocate such watermain or other water works, the cost of supporting or relocating the watermain or other water works shall be charged against that person and the *Manager* shall have the power to supervise and direct the supporting or relocating of such watermains or other water works.
7. Any person(s) who has proceeded with, or who has authorized any construction which is located under, over, across or along any watermain or other water works forming part of the *Bald Mountain Water System* shall be liable for any damage caused by such construction. If the damage is not remedied to the satisfaction of the *Manager* in a reasonable time as determined by him, the *Manager* may have such damage repaired, upon giving notice to such person(s), and the cost of the repairs shall be borne by such person(s).

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4. WATER RATES, CHARGES AND REVENUES

1. (a) Revenues for the *Bald Mountain Water System* may be raised by *Water Rates*, *Water Charges* and *Parcel Taxes*.
- (b) If in any fiscal year the revenues generated by the rates and charges set out in subsection (a) do not meet the expenditures of the *Bald Mountain Water System Service Area*, the deficit may be covered by a duly authorized increase in any or all of the charges set out in subsection (a) for the succeeding fiscal year.
- (c) All revenue raised by the methods herein described or authorized shall be applied to the *Bald Mountain Water System*.
2. (a) *Consumers* of *Metered Water* shall be billed on the basis of their consumption of *District Water* and shall be charged *Water Rates* in accordance with Schedule B.
- (b) *Consumers* of *Unmetered Water* shall pay the *Water Charges* set out in Schedule C.
- (c) *Consumers* with *Unmetered Fire Lines* shall pay the *Unmetered Fire Line Rates* set out in Schedule D.
- (d) Persons requiring the miscellaneous services set out in Part 8 of this bylaw shall pay the *Water Charges* set out in Schedule G for such services.
- (e) No charge will be made for the volume of *Unmetered District Water* used for fire protection purposes or the testing of fire protection equipment.
3. (a) The Rates and Charges set out in Schedules A, B, C, D, E, F and G shall be subject to periodic review by the *Manager* and the Electoral Area Services *Committee* may make recommendations on the revision of the said Schedules to the *Regional Board*.
- (b) Schedules A, B, C, D, E, F and G may be revised by bylaws enacted by the *Regional Board*.

5. METERED WATER SERVICE

1. (a) All *Water Services* shall be metered unless otherwise directed by the *Manager*.
- (b) All *Consumers* shall be responsible for providing suitable plumbing for the installation of a *Water Meter*.
- (c) The *Water Meter* shall be installed on the *Water Service Connection* in a readily accessible location in close proximity to the property lines or location approved by the *Manager*.
- (d) The rates shall be due and payable at the offices of the *District* on or before the date shown in Schedule E of this bylaw.

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- (e) When a new *Water Service Connection* is installed, the water rate levied shall be prorated in accordance with appropriate charges set out in Schedule B and shall be computed from the month following the month in which the *Water Service Connection* is completed or one month after the water application is completed.
 - (f) *Water Meters* shall be installed, sealed, maintained, repaired and disconnected only by employees or agents of the *District*, or other persons duly authorized by the *Manager*.
 - (g) The *District* shall not be responsible for any damage to buildings or property occasioned by, or in the course of, the installation, maintenance, repair or disconnection of any *Water Meter* or *Water Service Connection* provided that reasonable care has been taken by the employees or agents of the *District*, or other persons duly authorized by the *Manager*, in the course of such installation, maintenance, repair or disconnection.
 - (h) Where a metered *Water Service* is in use, all *District Water* consumed on the property shall pass through the *Water Meter* authorized by the *District* for use on the property unless the water in question is authorized by this bylaw for unmetered use.
 - (i) Where an *Unmetered Fire Line* is provided, no water shall be taken other than for fire protection or testing of the fire protection system unless authorized by the *Manager*.
 - (j) Only one *Water Meter* shall be installed on a *Water Service* whether the *Water Service* serves a single building or a number of buildings on a lot, parcel or block of land unless otherwise approved by the *Manager*. For the purposes of this section, each half of a semi-detached dwelling and each unit of street townhouses or street link houses is to be considered a single building.
 - (k) If a *Consumer* now receiving *Unmetered Water* requests that a *Water Meter* be installed on his building service, the *Manager* may, at his discretion, comply with such request with all related cost to be borne by the *Consumer*.
 - (l) At the time of applying for an Application for *Water Service*, the *Applicant* shall deposit an amount equal to the *Water Service Connection Charge* plus the *Manager's* estimated cost of providing the *Water Service Connection*.
2. (a) If the *Manager* directs that the *Water Meter* be installed in a meter chamber, the meter chamber shall be constructed and maintained by the *Consumer* in a manner satisfactory to the *Manager* and shall be kept accessible and safe to the employees or agents of the *District*.
- (b) The *Consumer* shall pump all water from the meter chamber if required by the *Manager*.

.../7

- (c) The size of *Water Meters* to be installed shall be approved by the *Manager*.
 - (d) Unless otherwise approved by the *Manager*, no pipe connection shall be made to a *Water Service* other than after the outlet side of a *Water Meter*, except where required by the *Manager*, properly valved and sealed by-passes around the *Water Meter* shall be provided by and at the expense of the *Consumer*.
 - (e) The *Manager* may replace the valve on the inlet side of a *Water Meter* with a full port corporation valve and install a full port corporation valve on the outlet side during the replacement of the *Water Meter*.
 - (f) *Consumers* shall immediately notify the *Manager* of any breakage, stoppage or irregularity in a *Water Meter* and/or a *Building Service* and/or the plumbing system or fixtures within the building or buildings.
3. (a) All *Water Meter* readings shall be performed under the co-ordination and control of the *Manager*.
- (b) *Water Meter* readings may be performed by duly authorized employees or agents of the *District* who must carry with them, while performing *Water Meter* reading duties, identification designating them as employees or agents of the *District*.
 - (c) *Consumers* shall provide to the duly authorized employees or agents of the *District* access to buildings, chambers or other facilities in which *Water Meters* are situated at all reasonable hours and shall facilitate such access in all reasonable ways.
 - (d) *Water Meters* shall be read annually, semi-annually, quarterly, bi-monthly, monthly or at any interval deemed necessary by the *Manager*.
 - (e) The *Treasurer* may estimate the quantity of water used by the *Consumer* since the date of the last accurate meter reading, or the last satisfactory estimate of consumption, and bill the *Consumer* accordingly, under circumstances where:
 - (i) the *Water Meter* is broken, stopped or irregular;
 - (ii) the *Water Meter* or meter seal has been disconnected, altered or tampered with in any way;
 - (iii) the *Water Meter* has been incorrectly read;
 - (iv) the *Water Meter* reading has been incorrectly recorded;
 - (v) a *Water Meter* by-pass has been used or the by-pass seal has been disconnected, altered or tampered with;
 - (vi) the person duly authorized to do so has been unable to obtain a *Water Meter* reading;
 - (vii) it is deemed necessary by the *Treasurer* for any other circumstances.

- (f) Where the quantity of water used by a *Consumer* has been estimated pursuant to subsection (e), the *Treasurer* may, at the time of the first accurate meter reading subsequent to such estimate, make a new estimate of the quantity of water used by the *Consumer* and increase or decrease the billing to the *Consumer* accordingly.
 - (g) Under circumstances where it is in the opinion of the *Manager* expedient to allow a *Consumer* to run water continuously, the *Manager* may authorize such usage and in such cases the *Treasurer* may adjust the *Consumer's* metered billing to conform with the *Consumer's* normal pattern of water use.
4. (a) A *Consumer*, upon written application to the *Manager* may have his *Water Meter* tested.
- (b) Every application for testing shall be accompanied by a deposit of the fee for testing *Water Meters* set out in Schedule G.
 - (c) If the *Water Meter* is shown by the test to measure the flow of water within AWWA specifications, the *Consumer* shall be charged the fee for the test set out in Schedule G and the deposit set out in Section 1 shall be credited against that charge.
 - (d) If the *Water Meter* is shown by the test to measure the flow of water outside AWWA specifications, whether high or low, no fee shall be charged for the test, the *Consumer's* deposit shall be returned and the *Consumer's* water bill adjusted in an amount to be determined by the *Treasurer* and the *Water Meter* shall be replaced or repaired at the cost of the *District*.

6. WATER SERVICE CONNECTION

1. (a) A person desiring *District Water* and who owns or occupies a building(s) on lands within the *Bald Mountain Water System Service Area*, which abuts a watermain that is a part of the *Bald Mountain Water System*, shall apply to have his building(s) connected to the watermain.
- (b) No connection shall be made to the *Bald Mountain Water System* until an Application for *Water Service* has been completed and approved by the *Manager*.
 - (c) An Application for *Water Service* shall be completed on a form provided by the *Manager*, and the information shall be certified to be correct and signed by the *Applicant* or his agent, and shall be completed and approved at least three weeks prior to the date by which connection to the *Bald Mountain Water System* is requested, or as deemed a reasonable time by the *Manager*.

.../9

- (d) Where a *Water Service Connection* is to be installed as part of an *Unmetered Fire Line*, or for any use other than single family residential use, or where the proposed *Water Service Connection* is greater than 25 mm in diameter, detailed plans of the *Water Service* or *Unmetered Fire Line* acceptable to the *Manager* shall be submitted with each Application for *Water Service*.
 - (e) An Application for *Water Service* shall be accompanied by a payment equal to the *Water Service Connection* charge plus a deposit in accordance with the conditions and requirements as set out in Schedule A. The deposit shall be applied against the actual cost of the *Water Service Connection* installation.
 - (f) The *Manager* may refuse approval of an Application for *Water Service* where, in his opinion, the *Bald Mountain Water System* may be adversely affected, where, in his opinion, there is insufficient water supply available or where a watermain does not abut the *Applicant's* lands.
 - (g) Every *Water Service Connection* shall be installed prior to installation of the *Building Service*. The *District* shall not be responsible for meeting the location or for connecting to an existing *Building Service* installed prior to the installation of the *Water Service Connection*.
2. An Application for *Water Service* must be completed prior to connecting the *Building Service* to the *Water Service Connection* for each separate *Water Service Connection* in housing developments built on lands subject to registered plans of subdivision where the *Water Service Connection* has been provided by the subdivider. The Application for *Water Service* will be issued at a charge set forth in Schedule A to the subdivider under these circumstances.
3. (a) Where the *Owner* of property wishes to re-use an abandoned *Water Service Connection* that previously served a building on the *Owner's* property, the *Owner* shall apply to re-use the *Water Service Connection* and such application shall require the inspection of the *Water Service Connection*. The *Owner* shall pay the inspection fee set out in Schedule A, expose the *Water Service Connection* and prepare it for inspection, and the *Manager* may, upon inspecting such *Water Service Connection*, refuse to allow the re-use of it if it is in the *Manager's* opinion defective. The *Manager's* opinion on this matter shall be final.
- (b) Where the *Manager* has deemed an abandoned *Water Service Connection* defective, the *Owner* shall apply for a new *Water Service Connection* and pay the charge or deposit as set out in Schedule A.

4. (a) ***Building Services*** shall be installed in accordance with the requirements of the British Columbia Plumbing Code, as amended from time to time, and shall be constructed by the ***Owner*** entirely at the ***Owner's*** expense.
- (b) The ***Building Service*** shall be maintained and repaired by the property ***Owner*** at his sole expense. Whenever a malfunction occurs in the ***Building Service*** or ***Water Service Connection***, the ***Owner*** or occupier of the premises served shall first determine that the failure is not located in the ***Building Service*** before notifying the ***Manager*** who shall, as soon as practicable, arrange to have the ***Water Service Connection*** restored to serviceable condition.
5. (a) All work involved in the installation and maintenance of ***Water Service Connections*** shall be performed only by duly authorized employees or agents of the ***District***.
- (b) Every ***Water Service Connection*** is to be laid, as nearly as practicable, in a generally straight line and at a right angle to the watermain.
- (c) Where the ***Applicant*** for a ***Water Service Connection*** indicates in his application a desired location for the ***Water Service Connection***, the ***Water Service Connection*** will be located as indicated providing the proposed location is approved by the ***Manager***.
- (d) Where the ***Applicant*** for a ***Water Service Connection*** does not indicate in his application a desired location for the ***Water Service Connection***, the ***Water Service Connection*** will be located as determined by the ***Manager*** and if the ***Applicant*** subsequently requires a relocation of the ***Water Service Connection***, such relocation shall be at the expense of the ***Applicant***.
- (e) No ***Water Service*** shall be installed in, over or across the property of another person or located on an easement in favour of one ***Owner*** to another except by the written consent of the ***Owners*** concerned and the approval of the ***Manager***.
- (f) Only one ***Water Service*** shall be installed for each lot, block or parcel of land unless otherwise approved by the ***Manager***.
- (g) A ***Water Service*** shall be installed to each unit of semi-detached buildings, street townhouses and street link houses, except for townhouses registered under the British Columbia Strata Property Act.
- (h) Where more than one lot, block or parcel of land under separate ownership are served by a single ***Water Service***, the ***Manager*** may order the affected ***Consumers*** to disconnect from the single ***Water Service*** and to conform to Item f above, and all costs including those for installing new ***Water Service Connections*** shall be borne by the ***Consumers***.

.../11

6. When a *Consumer* requires the *Water Service Connection* to his land or premises to be replaced, the existing *Water Service Connection* shall be disconnected and the cost of disconnecting the *Water Service Connection* as set out in Schedule A, shall be borne by the *Consumer*.
7. When the *Manager* determines that a *Water Service Connection* is no longer required and can be abandoned, the *Water Service Connection* shall be disconnected at the watermain and the cost of the disconnection, as set out in Schedule A, shall be borne by the *Owner* of the lot, block or parcel of land, which the *Water Service Connection* served, or was intended to serve or as otherwise directed by the *Manager*.
8. (a) The *Consumer* is responsible for the repair or replacement of a leaking or defective *Building Service* or appurtenance and if, after written notice, it is not remedied in reasonable time, the water supply may be temporarily interrupted until the necessary repairs are completed to the satisfaction of the *Manager* and the cost of such repair or replacement shall be borne by the *Consumer*.

(b) The *Manager* may turn off or restrict the supply of water to any building in which any leaking or defective pipe, tap or fixture, or any cross connection exists and shall require that the pipe, tap or fixture be repaired or replaced by the *Consumer* in such manner as the *Manager* may approve before the water is turned fully on again.

7. USE OF WATER SERVICE FOR FIRE PROTECTION

1. (a) No person other than duly authorized employees or agents of the *District* or Local Fire Department shall operate or use any *District* or private fire hydrant.

(b) The *Manager* may, by means of a "Hydrant Permit" issued by him, authorize the use of a specified *District* or private hydrant for a specified time under specified conditions, including the supervision of such use by the *Manager*, at the charges set out in Schedule F.
2. (a) The *Manager* may approve the supply of *District Water* to *Consumers* within the *Bald Mountain Water System Service Area* who have *Unmetered Fire Lines* for fire protection purposes and such water may serve private fire hydrants, automatic sprinkler systems and standpipes.

(b) An *Unmetered Fire Line* shall be separate from the domestic *Water Service*. An *Unmetered Fire Line* and a *Water Service Connection* may be combined within a public road allowance or easement providing separation takes place within the public road allowance or easement and providing a valve is installed on each branch within the public road allowance or easement.

.../12

- (c) An *Unmetered Fire Line* whether separate or combined with a domestic *Water Service* as in (b), shall be isolated to prevent back flow in accordance with the current British Columbia Building Code and the British Columbia Plumbing Code and other applicable regulations.
- (d) No *Private Water Supply System* shall be interconnected with the *Bald Mountain Water System*.
- (e) Private fire hydrants shall be maintained by the *Consumers* thereof to the satisfaction of the *Manager* and such *Owners* may be required from time to time to establish to the satisfaction of the *Manager* that such hydrants are sound, do not leak and are in good operating order.
- (f) *Unmetered fire lines* shall be utilized for no other purpose than fire fighting without written permission from the *Manager*.

8. MISCELLANEOUS SERVICES AND REQUIREMENTS

1. (a) The *Manager* shall at the request of a *Consumer* turn the *Consumer's* supply of *District Water* "off" or "on" and the *Consumer* shall pay a fee for this service as prescribed in Schedule G.
- (b) A *Consumer* who has had his supply of *District Water* turned off shall not be required to pay the *Water Charges* while such supply is turned off, provided the "water off" charges as described in Schedule G have been paid.
2. The *Treasurer* shall, upon written request in respect to each separate parcel of land or buildings, furnish any *Applicant* with a written verification showing the arrears of *Water Charges* due on, or in respect of, any parcel of land or buildings up to the date to which such water charges were last computed, the duration of the last billing period, and the net amount billed during that period.
3. In the event of a *Building Service*, an *Unmetered Fire Line* located on private property, or a private fire hydrant becoming frozen, the *Consumer* shall notify the *Manager* and shall take steps to have such *Building Service*, Fire Line or hydrant thawed. The repair costs for damages caused by the thawing operation shall be assumed by the *Consumer*.
4. (a) Anti-tampering devices shall be installed on hydrants when deemed necessary by the *Manager*.
- (b) Where anti-tampering devices are installed on hydrants in new developments such as industrial or residential subdivisions, the cost of purchasing, installing and maintaining such devices shall be borne by the developer or *Owner*.

.../13

5. Plants, shrubs, trees, hedges, fences and other structures shall not be so close to a meter box, hydrant or valve box as to obstruct the siting of, or access to, the hydrant, air relief, *Water Meter*, or valve box by duly authorized employees or agents of the *District*.
6. A driveway shall be constructed no closer than 1 metre from a hydrant.

9. BILLING & COLLECTING WATER RATES & WATER CHARGES

1. (a) All *Water Rates* and *Water Charges* shall be payable for water consumed and services provided and shall be due and payable when rendered.
 - (b) Regular billings for *Water Charges* may be rendered annually, semi-annually, quarterly, bi-monthly, monthly or at any other periodic interval as set out in Schedule E, or as determined by the *Manager*.
 - (c) The *Treasurer* may with reasonable notice advance or delay any regular billing of *Water Rates* or *Water Charges*.
 - (d) To protect the *District* against potential losses from unpaid water billings, the *Treasurer* may, at his discretion, demand in writing, a security deposit by way of cash, certified cheque, letter of credit or guarantee from an *Owner* from whom delinquent charges and fees can not be applied to property taxes.
 - (e) The amount of the security deposit shall be no less than an amount equal to a *Consumer's* estimated water bill for a period of 180 days.
2. All *Water Rates* or *Water Charges* set out in Schedule B and Schedule C are established in amounts that reflect a discount for prompt payment in the percentages set out in Schedule E.
3. (a) All water bills shall be distributed to the *Consumer* by ordinary, prepaid mail or by any other means as deemed expedient and necessary by the *Treasurer*.
 - (b) *Water Rates* and *Water Charges* may at the discretion of the *Treasurer* be charged and billed to:
 - (i) the person requesting that water services be provided, or
 - (ii) the person in occupation of the building serviced by the *Bald Mountain Water System*, or
 - (iii) the *Owner* of the building served by the *Bald Mountain Water System*.

.../14

- (c) All *Water Rates* and *Water Charges* for services rendered to buildings having multiple units shall be charged and billed to the *Owner* of the property unless otherwise directed in writing by the *Treasurer*.
- (d) All *Water Rates* and *Water Charges* for services rendered to buildings registered under The Condominium Act shall be billed to the Condominium Corporation unless otherwise directed in writing by the *Treasurer*.
- (e) Payment may be made, with no additional service charge, by personal cheque through the mail, by personal cheque, cash or debit in person at the *District* office or at any location or via internet or telephone banking as directed by the *Treasurer*.

10. EXTENSIONS TO THE LOCAL SERVICE (WATER SUPPLY) AREA

1. (a) Applications and Fees:

Where, after a review of a request for servicing, the *Manager* has determined the need for an *Extension* to the *Bald Mountain Water System* in order to provide *District Water* to property located within the boundaries of the Bald Mountain Water System Service Area, the *Owner* of the property shall make written application for an *Extension* to the *Manager*.

The application shall be accompanied by the fee as set out in Schedule A.

(b) Approval:

Following a review of the proposed *Extension* of the *Bald Mountain Water System* the *Manager* shall advise the *Applicant* in writing if the *Extension* is approved or denied.

(c) Conditions:

An approved *Extension* to the *Bald Mountain Water System* may proceed provided the *Applicant* complies with the following conditions:

- i. The *Applicant* shall complete a *Water Service Connection* Application for each and every *Unit* or parcel of land to be serviced together with the applicable *Water Service Connection Charge*.
- ii. Where the *Manager* concludes the *Extension* will be undertaken by the *District*, the *Applicant* shall deposit with the *District* monies in the amount of the estimated cost of both the *Extension* and the required *Water Service Connection* as determined by the *Manager*.

- iii. Where the *Manager* grants a request by the *Applicant* for an *Extension* to be undertaken by others considered in the opinion of the *Manager* to be professionally competent, then the *Applicant* shall ensure that the work complies with the plans and specifications submitted by the *Applicant* and approved for construction by the *Manager*. Following completion of the *Extension* and other related work, the *Applicant* shall submit "As Constructed" drawings in a format acceptable to the *Manager* together with written verification that the completed work complies with the requirements of the *District*. The *Applicant* shall guarantee the work for a period of two years from the date this work is accepted by the *Manager*. The *Manager* may require certification of the above by a Professional Engineer registered in the Province of British Columbia.
- iv. The pipe size of the *Extension* shall not have less than a 150 mm inside diameter and shall include all appurtenances as determined by the *Manager*, including, but not limited, to main line valving and fire hydrants. The *Manager* may allow a 100 mm inside diameter *Extension* on a cul-de-sac, which in the opinion of the *Manager* has fire protection.
- v. The point at which the *Extension* may connect to the *Bald Mountain Water System* shall be determined by the *Manager*.
- vi. The *Extension* to the *Bald Mountain Water System* shall extend to a point opposite the furthest boundary of the last property to be serviced by the *Extension* unless otherwise approved in writing by the *Manager*.
- vii. The final cost to the *Applicant* shall include all costs directly or indirectly associated with the *Extension* including, but not limited to the following items:
 - design
 - preparation of drawings, specifications and tender documents
 - approval applications to other agencies
 - survey and layout
 - legal fees
 - supervision and inspection
 - site restoration
 - upgrade of the Service Area to accommodate the proposed development.
 - testing, disinfection and sampling.

11. OFFENCES AND SANCTIONS

1. Every person who:
 - (a) hinders or interrupts, or causes or procures to be hindered or interrupted, the *District*, or any of its officers, contractors, employees or agents, in the exercise of any of the powers conferred by this bylaw;
 - (b) lets off or discharges water so that the water runs to waste out of the *Bald Mountain Water System* unless duly authorized to do so, in writing, by the *Manager*;

- (c) being a consumer, tenant, occupant, or inmate of any house, building or other place supplied with water from the ***Bald Mountain Water System***, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water;
 - (d) without lawful authority, opens or closes or tampers with any hydrant, valve, curb stop or other appurtenances or obstructs the free access to any hydrant, valve, service box, chamber, pipe, or hydrant-chamber or other appurtenances by placing on it any building material, rubbish, or other obstruction;
 - (e) throws or deposits any injurious, noxious or offensive matter into the water of the ***Bald Mountain Water System***, or upon the ice, if the water is frozen, or in any way fouls the water or commits any damage, or injury to the works, pipes, or water, or encourages the same to be done;
 - (f) removes or alters any ***Water Meter*** or meter seal or opens any ***Water Meter*** by-pass placed upon any ***Building Service*** or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
 - (g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the ***Bald Mountain Water System***, or in any way obtains or uses the water without the written consent of the ***Manager***;
 - (h) obstructs or refuses entry to any employee or agent of the ***District*** in the discharge of any duty under this bylaw;
 - (i) establishes, maintains or uses any connection to any part of the ***Bald Mountain Water System*** whereby foreign matter, non-potable water, or water from a ***Private Water Supply System*** may enter the ***Bald Mountain Water System***;
 - (j) fails to notify the ***Manager*** of any breakage, stoppage or irregularity in any ***Water Meter*** for which he is responsible;
 - (k) fails to obey any restriction on consumption, hours of consumption and use of water pursuant to Part II, Section 5; or
 - (l) contravenes any section of this bylaw, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.00 or may be imprisoned, without the option of a fine, for a term of not more than one month.
2. In addition to all other sanctions and remedies provided in this bylaw, the ***Manager*** may turn off or restrict the supply of water to any ***Consumer*** where such ***Consumer*** has violated any of the provisions of this bylaw and may refuse to restore normal service until the violation complained of has been terminated or remedied.

.../17

- 3. That pursuant to the Local Government Act, any rates, charges and/or fees which remain unpaid after December 31 in any year shall be deemed to be taxes in arrears on the property concerned, with interest on those taxes in arrears calculated in accordance the Local Government Act.

12. REMAINDER OF BYLAW TO REMAIN INTACT:

In the event that any portion of this bylaw is declared *ultra vires* by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



SCHEDULE A

TO CVRD BYLAW NO. 3245

WATER SERVICE CONNECTION CHARGES

1. Water Service Connection

.1 EXISTING LOT (permits servicing of one unit or building).

(a) An application for *Water Service* shall be accompanied by a payment equal to the *Water Service Connection Charge* of:

19-mm diameter connection	\$300.00
25-mm diameter connection	\$300.00

plus a deposit in the amount of the *Manager's* estimate to complete such works. The above charges and deposit must be received by the Cowichan Valley Regional District before the work can be scheduled. The deposit will be applied against the actual cost of the *Water Service Connection* installation.

(b) Where the *Water Service Connection* has been installed by the subdivider entirely at his cost and the *Water Service Connection Charge* for each connection has been prepaid, the *Applicant* for *Water Service* shall not be required to pay any additional fees.

.2 EXISTING LOT TO BE SUBDIVIDED:

(a) Lot presently serviced:

- *First lot exempt.....	n/a
- Each additional lot created.....	\$3,500.00

*Where the existing *Water Service Connection* is not utilized, the *Subdivider* will pay a *Water Service Connection Charge* of \$300.00

(b) Lot not presently serviced:

- First lot.....	\$300.00
- Each additional lot created.....	\$3,500.00

(c) Pre-installed Water Connection – where the *Water Service Connection* has been installed by the subdivider entirely at his own cost, but the *Water Service Connection Charge* has not been prepaid, then the *Applicant* for *Water Service* shall be required to pay the *Water Service Connection Charge* of \$3,500.00.

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.3 WATER SERVICE CONNECTION TO ADDITIONAL UNITS OR BUILDINGS:

Where a *Water Service Connection* is to be installed to additional *Units* or buildings on an existing lot and the lot is:

- (a) Vacant: First *Unit* or building.....n/a
 (included under Sub-Section 1.1)
 Each additional unit or building.....\$3,500.00
- (b) Presently Occupied and Serviced
 Each additional *Unit* or building.....\$3,500.00

2. Disconnection of a *Water Service Connection*

Where a *Water Service Connection* is to be abandoned and must be disconnected as determined by the *Manager*, the cost to the *Owner* of the property serviced shall be based on the actual cost to complete the work required, **plus a 10% administration charge.**

3. Re-use of Abandoned *Water Service Connection*

Inspection fee of previously abandoned or disused *Water Service Connection*: \$50.00

4. Extension to Service Area

Where an *Extension* to the *Bald Mountain Water System* is required, the *Owner* of the property to be serviced shall, upon application for an *Extension*, pay the fee as calculated below:

- .1 Applications to Serve Residential Developments:
 - A fee of \$500.00 plus \$50.00 per dwelling unit to be created by the development.
- .2 Applications to Serve Industrial and Commercial Developments:
 - A fee of \$500.00 plus \$100.00 per hectare (or part thereof) of land proposed to be serviced.



C·V·R·D

SCHEDULE B

TO CVRD BYLAW NO. 3245

METERED WATER RATES AND CHARGES

Water Rates and Charges

The *Consumer* of *District Water* supplied through *Water Meters*, shall pay the minimum charge set out in subsection (b) below. A 10% discount will be applied for timely payment.

Water Rates and Charges per Classification per six (6) month period:

CLASSIFICATION	USER CHARGES			
	Water Use	Charge		
Group A				
Single Family Dwelling: Per Dwelling	0 - 200 m ³	\$ 135.00		
Laundromat: Minimum charge for each washing machine	201 - 300 m ³	\$ 135.00	+ 1.00 per m ³ over	200 m ³
Elementary/Middle School:	301 - 400 m ³	\$ 235.00	+ 1.50 per m ³ over	300 m ³
Minimum charge per 20 students or portion thereof	over 400 m ³	\$ 385.00	+ 2.25 per m ³ over	400 m ³
Group B				
Apartment: Per Unit	0 - 160 m ³	\$ 101.25		
Mobile/Modular Home Park: Per Unit	161 - 240 m ³	\$ 101.25	+ 1.00 per m ³ over	160 m ³
	241 - 320 m ³	\$ 181.25	+ 1.50 per m ³ over	240 m ³
	over 320 m ³	\$ 301.25	+ 2.25 per m ³ over	320 m ³
Group C				
Commercial:	0 - 130 m ³	\$ 81.00		
Minimum charge for each 10 employees or portion thereof per shift	131 - 195 m ³	\$ 81.00	+ 1.00 per m ³ over	130 m ³
	196 - 260 m ³	\$ 146.00	+ 1.50 per m ³ over	195 m ³
	over 260 m ³	\$ 243.50	+ 2.25 per m ³ over	260 m ³
Group D				
Continuing Care Facility:	0 - 100 m ³	\$ 67.50		
Minimum charge for each bed	101 - 150 m ³	\$ 67.50	+ 1.00 per m ³ over	100 m ³
	151 - 200 m ³	\$ 117.50	+ 1.50 per m ³ over	150 m ³
	over 200 m ³	\$ 192.50	+ 2.25 per m ³ over	200 m ³
Group E				
RV Trailer Park/Campground-Site Connected to Sewer:	0 - 67 m ³	\$ 45.00		
(Per service pad or Site)	68 - 100 m ³	\$ 45.00	+ 1.00 per m ³ over	67 m ³
Restaurant: Per 10 seats or patrons, or portion thereof	101 - 133 m ³	\$ 78.00	+ 1.50 per m ³ over	100 m ³
Hotel/Motel: per housekeeping unit	over 133 m ³	\$ 127.50	+ 2.25 per m ³ over	133 m ³

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Group F							
Bed & Breakfast House: includes the minimum charge for a single family dwelling unit as defined in Group A above, plus a minimum charge per each Guest Group	0 - 40 m ³	\$ 45.00					
	41 - 60 m ³	\$ 45.00	+ 1.00	per m ³ over	40 m ³		
	61 - 80 m ³	\$ 65.00	+ 1.50	per m ³ over	60 m ³		
	over 80 - m ³	\$ 95.00	+ 2.25	per m ³ over	80 m ³		
Group G							
RV Trailer Park/Campground-Site not Connected to Sewer: - Per service pad or Site	0 - 20 m ³	\$ 13.50					
	21 - 30 m ³	\$ 13.50	+ 1.00	per m ³ over	20 m ³		
	31 - 40 m ³	\$ 23.50	+ 1.50	per m ³ over	30 m ³		
	over 40 - m ³	\$ 38.50	+ 2.25	per m ³ over	40 m ³		
Group H							
High school: Minimum charge per 20 students or portion thereof per shift	0 - 270 m ³	\$ 168.75					
	271 - 405 m ³	\$ 168.75	+ 1.00	per m ³ over	270 m ³		
	406 - 540 m ³	\$ 303.75	+ 1.50	per m ³ over	405 m ³		
	over 540 - m ³	\$ 506.25	+ 2.25	per m ³ over	540 m ³		
Group I							
Hotel/Motel: per room or suite	0 - 50 m ³	\$ 33.75					
	51 - 75 m ³	\$ 33.75	+ 1.00	per m ³ over	50 m ³		
	76 - 100 m ³	\$ 58.75	+ 1.50	per m ³ over	75 m ³		
	over 100 - m ³	\$ 96.25	+ 2.25	per m ³ over	100 m ³		
Group J							
Licensed Premises: Per 10 seats or portion thereof	0 - 83 m ³	\$ 54.00					
	84 - 125 m ³	\$ 54.00	+ 1.00	per m ³ over	83 m ³		
	126 - 167 m ³	\$ 96.00	+ 1.50	per m ³ over	125 m ³		
	over 167 - m ³	\$ 159.00	+ 2.25	per m ³ over	167 m ³		

Other

The minimum charge and the volume of water to be apportioned for a six (6) month period for other types of development that, in the opinion of the **Manager**, do not fall within the above classifications, shall be determined by the **Manager** and his decision shall be final.

Aggregate Allotment - Where more than one of the above classifications including "**Other**" is in use, or intended for use, then the applicable charges shall be applied to each and every classification

UNDETECTED LEAKS

User Charges will be adjusted on a one-time forgiveness basis where an undetected leak on the consumer's property has resulted in water usage greatly exceeding typical usage of water, according to the applicable classification(s), and where there is no indication that water was knowingly allowed to run to waste. Additionally, a cap of \$1,500.00 per owner is in place for subsequent leaks after the first "forgiveness" of a water overage charge. Written verification from the **Consumer** describing the nature of the leakage and the action taken to rectify the problem must be received by the **Manager** before the one-time forgiveness will be granted. The leakage problem must be rectified by the **Consumer** within 30 days upon discovery or notification of the problem.

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USER CLASSIFICATION DESCRIPTIONS**Single Family Dwelling:**

Applies to any connection servicing 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.

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms 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.

Mobile/Modular Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used or temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travellers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to, retail stores, offices, convenience stores, service establishments, and light industrial uses.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.



SCHEDULE C

TO CVRD BYLAW NO. 3245

UNMETERED WATER CHARGES

Water Rates:

The *Consumer of Unmetered District Water* shall pay the charges set out below.

Water Rates and Charges per Classification per six (6) month period:

	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
<u>Single Family Dwelling:+</u>	\$ 135.00	\$ 13.50	\$ 121.50
<i>Laundromat</i>	\$ 135.00	\$ 13.50	\$ 121.50
<i>Elementary/Middle School</i>	\$ 135.00	\$ 13.50	\$ 121.50
<i>Apartment</i>	\$ 101.25	\$ 10.13	\$ 91.12
<i>Mobile Home Park</i>	\$ 101.25	\$ 10.13	\$ 91.12
<i>Commercial:</i> Minimum charge for the first 10 employees or portion thereof per shift	\$ 81.00	\$ 8.10	\$ 72.90
<i>Continuing Care Facility</i> Minimum charge for each bed	\$ 67.50	\$ 6.75	\$ 60.75
<i>RV Trailer Park / Campground:</i> Site connected to sewer Per serviced pad or site	\$ 45.00	\$ 4.50	\$ 40.50
<i>Restaurants:</i> Minimum charge for the first 10 seats or patrons or portion thereof	\$ 45.00	\$ 4.50	\$ 40.50
<i>Hotel / Motel - Housekeeping Unit:</i>	\$ 45.00	\$ 4.50	\$ 40.50

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	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
<i>Bed & Breakfast / Rooming House:</i>			
The minimum charge for such facility shall include the minimum charge for a single family dwelling unit plus a minimum charge for each and every guest room	\$ 27.00	\$ 2.70	\$ 24.30
<i>RV Trailer Park / Campground:</i>			
Site not Connected to Sewer: per pad or site	\$ 13.50	\$ 1.35	\$ 12.15
<i>High School</i>			
Minimum charge for the first 20 students or portion thereof	\$ 168.75	\$ 16.88	\$ 151.87
<i>Hotel / Motel</i>			
Room or Suite: per room or suite	\$ 33.75	\$ 3.38	\$ 30.37
<i>Licensed Premises:</i>			
Minimum charge for the first 10 seats or patrons or portion thereof	\$ 54.00	\$ 5.40	\$ 48.60

Other:
 The minimum charge and the volume of water to be apportioned for a six (6) month period for other types of developments that, in the opinion of the ***Manager***, do not fall within the above classifications shall be determined by the ***Manager*** and his decision shall be final.

Aggregate Allotment:
 Where more than one of the above classifications including "***Other***" is in use, or intended for use, then the applicable charges shall be applied to each and every classification.

Single Family Dwelling
 Applies to any connection servicing 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 and a cabin.

Apartment:
 Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

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Mobile/Modular Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, or temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travellers.

Where individual spaces for the above accommodations are connected directly to a sanitary sewer disposal system, the minimum charge shall be based on the *Allotment* of water as set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate sanitary sewer disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the *Allotment* of water as set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure, which contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended use for the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to a connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board to British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available to public use for a fee or charge.

.../4

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include for residents requiring full-time professional care that include living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.



SCHEDULE D
TO CVRD BYLAW NO. 3245
UNMETERED FIRE LINES

(a) The *Consumers* with an *Unmetered Fire Line* shall pay the rates set out in subsection (b) below:

(b) Fire Line Size (mm)	Rates (dollars per month)
25 mm	3.00
38 mm	7.50
50 mm	12.00
75 mm	30.00
100 mm	48.00
150 mm	22.00
200 mm	96.00
300 mm	144.00



SCHEDULE E

TO CVRD BYLAW NO. 3245

METER READING DATES, DUE DATES AND DISCOUNTS

(a) **Meter Reading Dates and Due Dates**

Metered Water connections serving a residential property shall normally be read during regular CVRD business hours, biannually in the Spring and the Fall, as determined by the *Manager*, with the respective payments payable on the due date specified on the invoice.

Metered Water connections servicing *Consumers* with high usage and charges may normally be read during regular CVRD business hours quarterly each year, at the discretion of the *Manager* with the respective payment due as specified on the invoice.

In the event the last day of the month falls on a Saturday, Sunday, or Statutory Holiday, the due date shall then be the last business day before the Saturday, Sunday, or the Statutory Holiday.

(b) **Discounts**

The water consumption rates and charges outlined in Schedules "B" and "C" shall be discounted by 10% if payment in full is received on or before the due dates at the designated business office of the CVRD, or other approved locations.

(c) **Transfer to Taxes**

Amounts remaining outstanding at the close of business on December 31 of each calendar year, shall be added to the property taxes and shall be deemed taxes in arrears on the property in question.



SCHEDULE F
TO CVRD BYLAW NO. 3245
HYDRANT PERMIT

The charge for drawing *District Water* from hydrants for purposes other than fire protection shall be as follows:

A deposit of \$300.00 per permit and refundable if the hydrant and appurtenances used in the opinion of the *Manager* have not been damaged.

The minimum charge shall be \$200.00 or the charge when the consumption rate is applied to the amount of water used whichever is the greater.

Consumption Rate:	\$4.00 per cubic metre
--------------------------	-------------------------------

A hydrant permit shall be permitted at the discretion of the *Manager*.

The *Manager* shall determine and designate which hydrant, if any, shall be used.

Only the designated hydrant may be used unless otherwise approved by the *Manager*.

The *Manager* reserves the right to terminate the use of the hydrant permit at any given time.

Where the actual amount of water used is unknown, the *Manager* may estimate the quantity used and charge accordingly.



SCHEDULE G
TO CVRD BYLAW NO. 3245
MISCELLANEOUS CHARGES

1. Testing of Water Meter

An application for testing the *Water Meter* shall be accompanied by a deposit in the amount of: \$50.00

2. Charge to Customer

Where the *Water Meter* is found to measure the flow of water accurately:\$50.00

3. Turning *Water Service* on each time: \$25.00

Turning *Water Service* off each time: \$25.00

Note:

The charges for "turn on" or "turn off" shall **not** be levied where:

1. it is necessary to interrupt the supply of water so as to permit the consumer to correct faults on the building service.
2. the water is to be "turned on" for newly installed or water service connection.



B4

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3272

**A Bylaw to Authorize the Borrowing of Funds to Help Finance the
Purchase of a new Mobile Water Tender Firefighting Apparatus for the
Sahtlam Fire Protection Service Area**

WHEREAS the Board of the Cowichan Valley Regional District established the *Sahtlam Fire Protection Service Area* under the provisions of Bylaw No. 1773, cited as "CVRD Bylaw No. 1773 – Sahtlam Fire Protection Service Establishment Bylaw, 1997", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to help finance the purchase of a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service Area;

AND WHEREAS the estimated total cost of the new mobile water tender firefighting apparatus, including expenses incidental thereto, is Two Hundred Thousand Dollars (\$200,000.);

AND WHEREAS the sum to be borrowed is not to exceed One Hundred and Thirty Thousand Dollars (\$130,000.), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and *Community Charter*;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009."

.../2

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to purchase a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing, to borrow upon the credit of the Regional District a sum not exceeding One Hundred and Thirty Thousand (\$130,000.) Dollars.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this Bylaw is 10 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

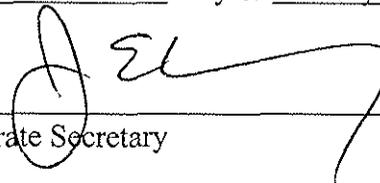
This Bylaw relates to the *Sahtlam Fire Suppression and Prevention Service Area* established pursuant to Bylaw No. 1773, as amended, cited as "CVRD Bylaw No. 1773 – Sahtlam Fire Protection Service Establishment Bylaw, 1997".

READ A FIRST TIME this 13th day of May, 2009.

READ A SECOND TIME this 13th day of May, 2009.

READ A THIRD TIME this 13th day of May, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3272 as given Third Reading on the 13th day of May, 2009.


Corporate Secretary

MAY 22, 2009
Date

RECEIVED the approval of the Inspector of Municipalities this 6th day of JUNE, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3291

A Bylaw to Amend the Boundaries of the Cowichan Bay Sewer System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Cowichan Bay Sewer System Service Area* under the provisions of Bylaw No. 2128, cited as "CVRD Bylaw No. 2128 - Cowichan Bay Sewer System Service Establishment Bylaw, 2000", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following properties:

- PID #001-321-463, Lot 1, Plan 20768, Section 4, Range 5, Cowichan Land District;
- PID #000-140-571, Lot 1, Plan 18449, Section 4, Range 5, Cowichan Land District;
- PID #003-579-301, Lot 1, Plan 20693, Section 4 & 5, Range 5, Cowichan Land District;
- PID #003-437-116, Lot A, Plan 21381, Section 4, Range 5, Cowichan Land District; and
- PID #011-721-031, Lot A, Plan 47087, Section 4, Range 5, Cowichan Land District.

AND WHEREAS the property owner has petitioned the Regional District Board to include the properties in the service area;

AND WHEREAS the Director for Electoral Area D - Cowichan Bay has consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3291 – Cowichan Bay Sewer System Service Area Amendment Bylaw, 2009**".

2. **AMENDMENT**

That Bylaw No. 2128 be amended as follows:

That Schedule A to Bylaw No. 2128 be deleted and replaced with the Schedule A attached to this bylaw.

READ A FIRST TIME this 12th day of August, 2009.

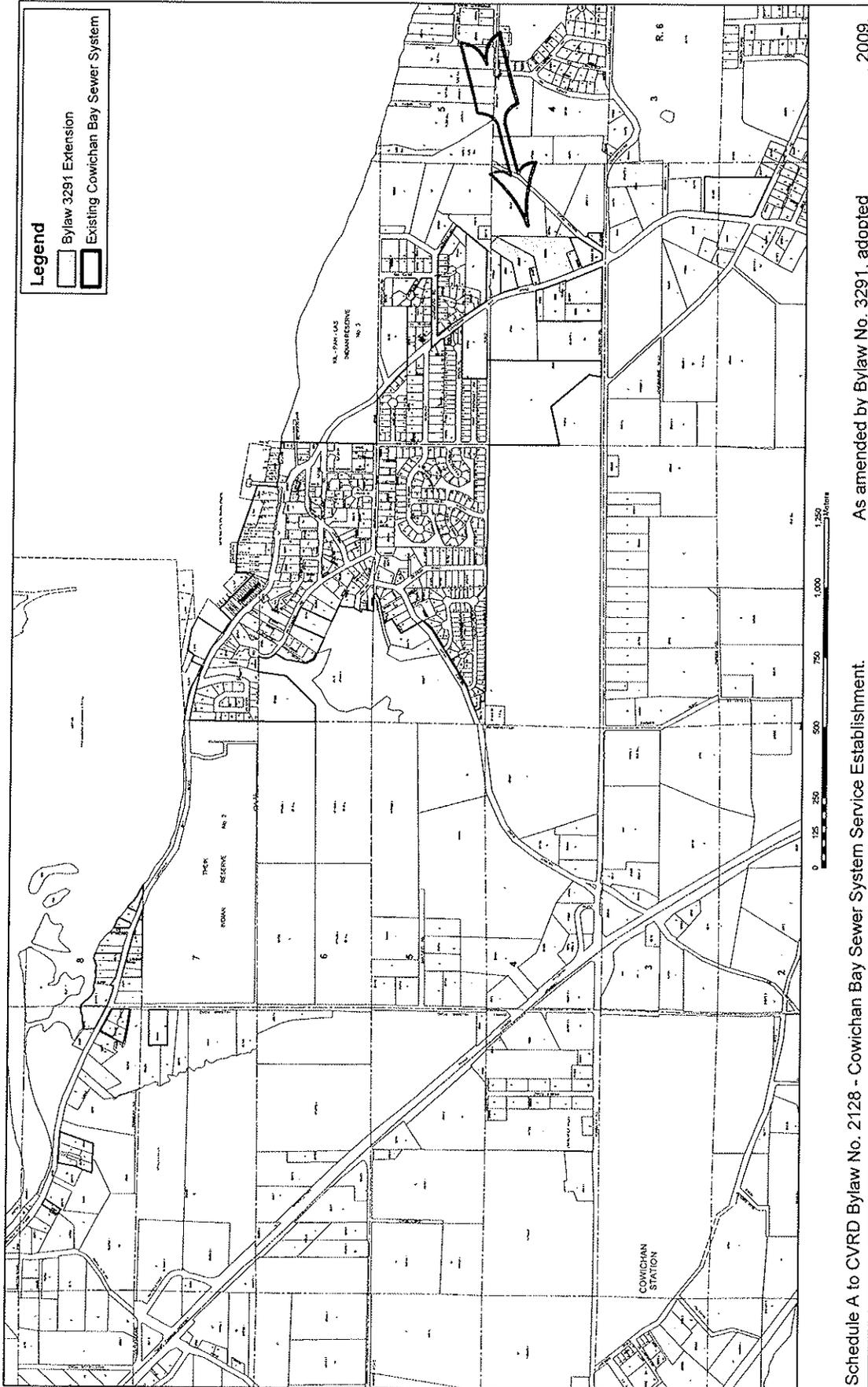
READ A SECOND TIME this 12th day of August, 2009

READ A THIRD TIME this 12th day of August, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 2128 - Cowichan Bay Sewer System Service Establishment. As amended by Bylaw No. 3291, adopted _____, 2009.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3293

**A Bylaw to Amend the Lake Cowichan
Fire Protection Service Establishment Bylaw**

WHEREAS the Board of the Cowichan Valley Regional District established the *Lake Cowichan District Fire Protection Area* under the provisions of Bylaw No. 1657, cited as "CVRD Bylaw No. 1657 – Lake Cowichan Fire Protection Service Establishment Bylaw, 1994", for the purpose of providing fire protection and suppression services within portions of Electoral Area F – Cowichan Lake South/Skutz Falls and Electoral Area I – Youbou/Meade Creek;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following properties:

- Lot A, Block 1405, Plan VIP82489 Except that Part in Plan VIP84577, Cowichan Lake Land District, PID 026-953-315; and
- Lot 1, Blocks 117 and 180, Plan VIP82490 Except Part in Plan VIP84239, Cowichan Lake Land District, PID 026-953-374.

AND WHEREAS the Regional Board has received a sufficient petition to include the properties within the fire protection service area;

AND WHEREAS the Directors for Electoral Area F – Cowichan Lake South/Skutz Falls and Electoral Area I – Youbou/Meade Creek have consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3293 – Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009**".

2. **AMENDMENT**

That Bylaw No. 1657 be amended as follows:

- a) That Schedule A to CVRD Bylaw No. 1657 be deleted and replaced with the Schedule A attached to and forming part of this bylaw.

READ A FIRST TIME this 12th day of August, 2009.

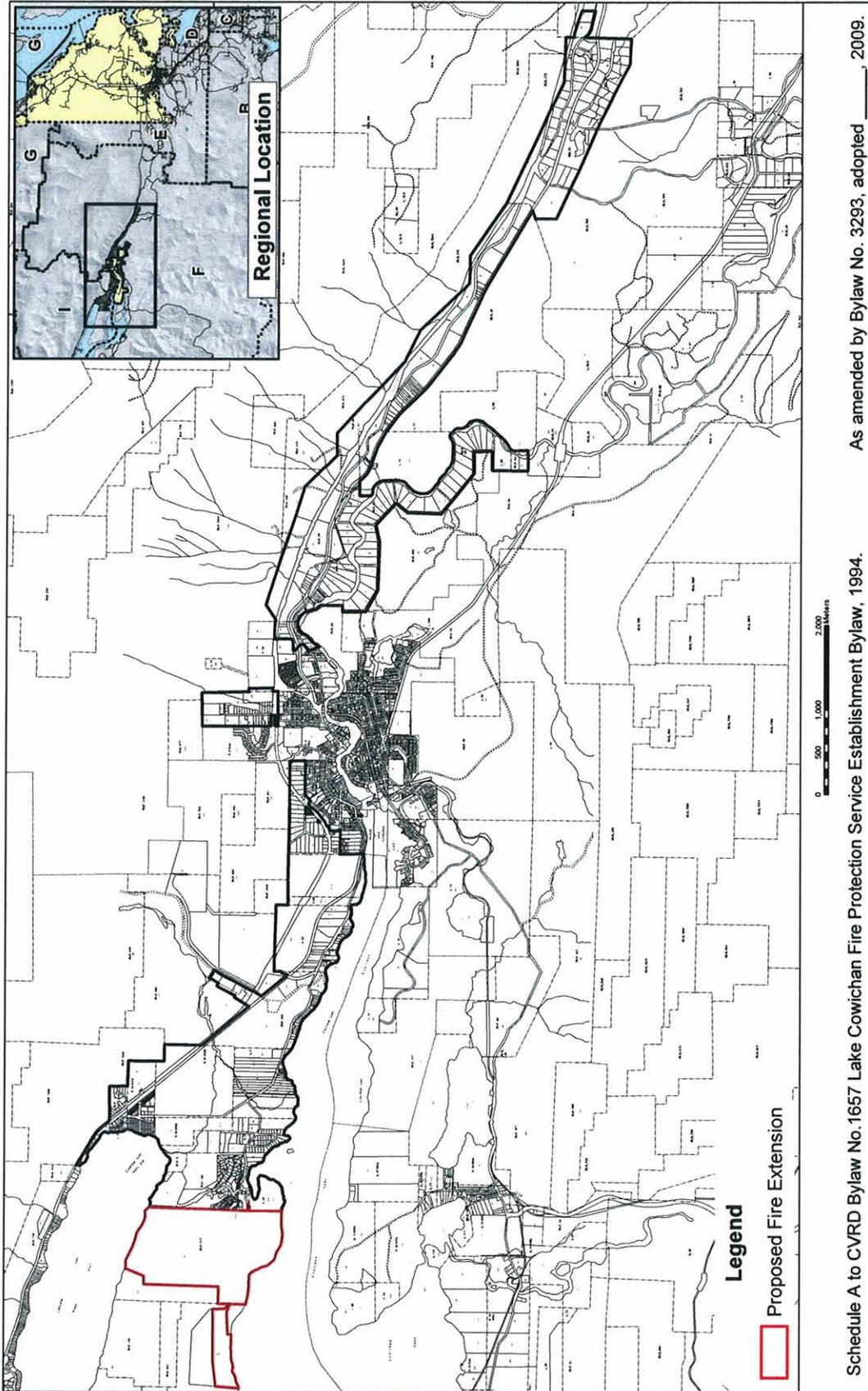
READ A SECOND TIME this 12th day of August, 2009.

READ A THIRD TIME this 12th day of August, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 1657 Lake Cowichan Fire Protection Service Establishment Bylaw, 1994. As amended by Bylaw No. 3293, adopted _____, 2009.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3296

**A Bylaw to Establish a Sewer Service in a Portion of
Electoral Area A – Mill Bay/Malahat**

WHEREAS pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a sewer service in a portion of Electoral Area A – Mill Bay/Malahat;

AND WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 797.4 of the *Local Government Act* the Board of the Cowichan Valley Regional District has received a sufficient "*petition for services*";

AND WHEREAS the Director of Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is the service of the collection, conveyance, treatment and disposal of sewage.

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are that portion of Electoral Area A – Mill Bay/Malahat shown outlined in Schedule A of this bylaw. The service area shall be known as the "Brulette Place Sewer System Service Area".

.../2

4. PARTICIPATING AREA

Electoral Area A – Mill Bay/Malahat is the only participating area for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- a) parcel taxes, to be requisitioned and collected by imposing the tax on the appropriate parcels within the participating area, on the basis of the parcel tax roll;
- b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Twenty-Four Thousand Seven Hundred and Eighty Dollars (\$24,780.00).

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3296 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

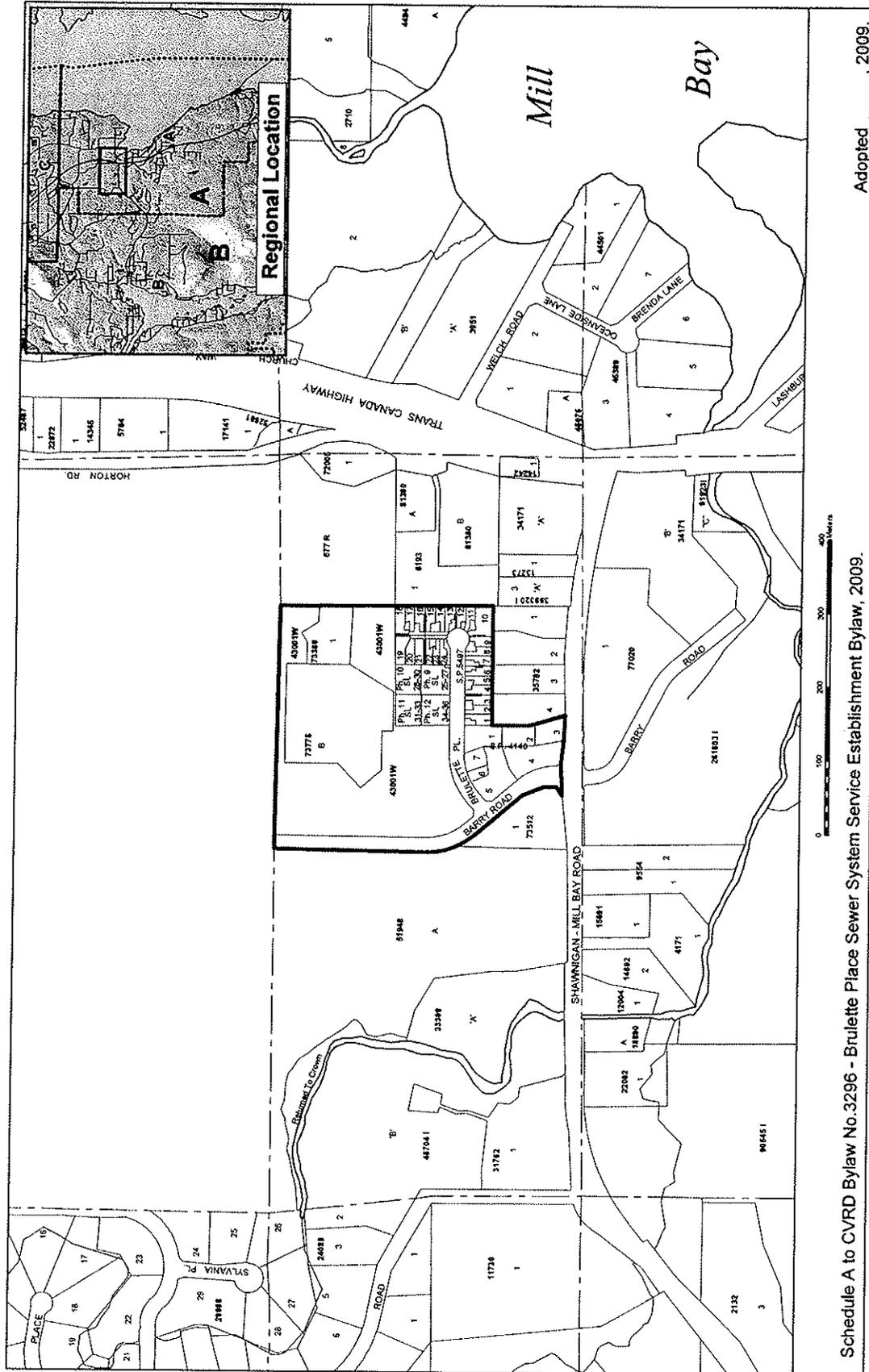
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____ 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



Adopted _____, 2009.

Schedule A to CVRD Bylaw No. 3296 - Brulette Place Sewer Service Establishment Bylaw, 2009.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3297

**A Bylaw to Authorize the Borrowing of Funds to Upgrade the Works of the
Brulette Place Sewer System to Municipal Standards**

WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS the Board of the Cowichan Valley Regional District established a *Sewer Service Area* pursuant to CVRD Bylaw No. 3296 cited as "*CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009*" for the collection, conveyance, treatment and disposal of sewage within a portion of Electoral Area A – Mill Bay/Malahat;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to complete the capital work necessary to upgrade the Brulette Place Sewer System to a municipal standard;

AND WHEREAS the estimated total cost of upgrading the works of the Brulette Place Sewer System is Two Hundred Sixty-Five Thousand Dollars (\$265,000.00);

AND WHEREAS the sum to be borrowed is not to exceed Two Hundred Sixty-Five Thousand Dollars (\$265,000.00), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors for this bylaw and Bylaw No. 3296 in accordance with the *Local Government Act* and *Community Charter*;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3297 – Brulette Place Sewer System Service Loan Authorization Bylaw, 2009**".

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to complete the capital work necessary to upgrade the Brulette Place Sewer System in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing:

- a) to borrow upon the credit of the Regional District a sum not exceeding Two Hundred Sixty-Five Thousand Dollars (\$265,000.00);
- b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the designing and constructing of the sewer works.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *Brulette Place Sewer System Service Area* established pursuant to CVRD Bylaw No. 3296, cited as "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009".

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3297 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3298

A Bylaw to Amend the Boundaries of the Kerry Village Water System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Kerry Village Water System Service Area* under the provisions of Bylaw No. 2491, cited as "CVRD Bylaw No. 2491 – Kerry Village Water System Service Establishment Bylaw, 2004";

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following properties:

- Section 1, Range 8, Shawnigan Land District, Except that Part in Plan 2485, VIP78819 and VIP79958, PID 009-488-219; and
- Lot 1, Section 1, Range 8, Shawnigan Land District, Plan VIP79958, PID 026-504-260;

AND WHEREAS the owners of the above noted properties have petitioned the Regional District to have their property included in the service area;

AND WHEREAS the Director of Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3298 – Kerry Village Water System Service Amendment Bylaw, 2009**".

2. **AMENDMENT**

That Bylaw No. 2491 be amended by deleting and replacing the existing Schedule A with the Schedule A attached to this bylaw.

READ A FIRST TIME this _____ day of _____, 2009.

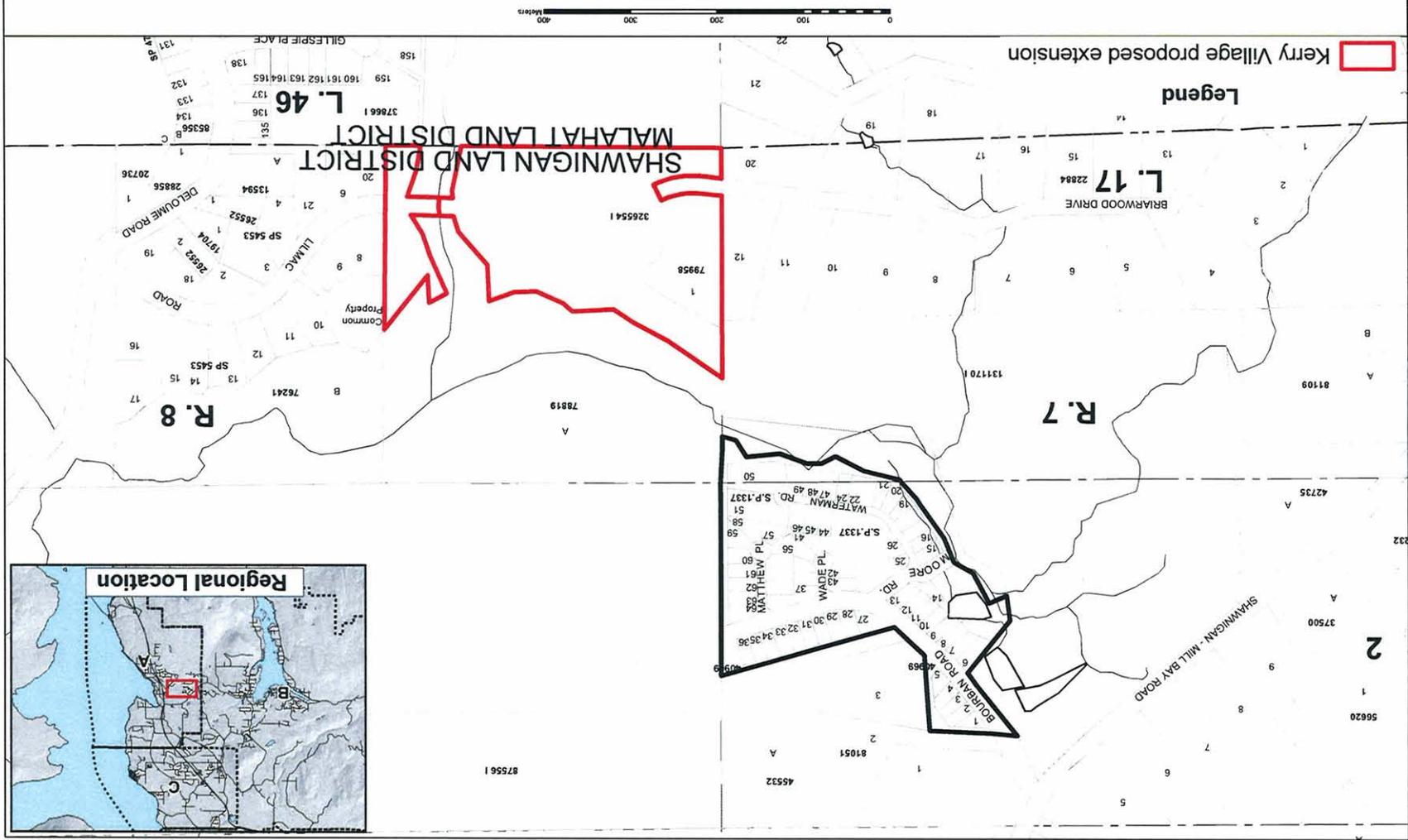
READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3299

A Bylaw to Amend the Boundaries of the Kerry Village Sewer System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Kerry Village Sewer System Service Area* under the provisions of Bylaw No. 2489, cited as "CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following properties:

- Section 1, Range 8, Shawnigan Land District, Except that Part in Plan 2485, VIP78819 and VIP79958, PID 009-488-219; and
- Lot 1, Section 1, Range 8, Shawnigan Land District, Plan VIP79958, PID 026-504-260;

AND WHEREAS the owners of the above noted properties have petitioned the Regional District to have their properties included in the service area;

AND WHEREAS the Director of Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3299 – Kerry Village Sewer System Service Amendment Bylaw, 2009**".

2. **AMENDMENT**

That Bylaw No. 2489 be amended by deleting and replacing the existing Schedule A with the Schedule A attached to this bylaw.

READ A FIRST TIME this _____ day of _____, 2009.

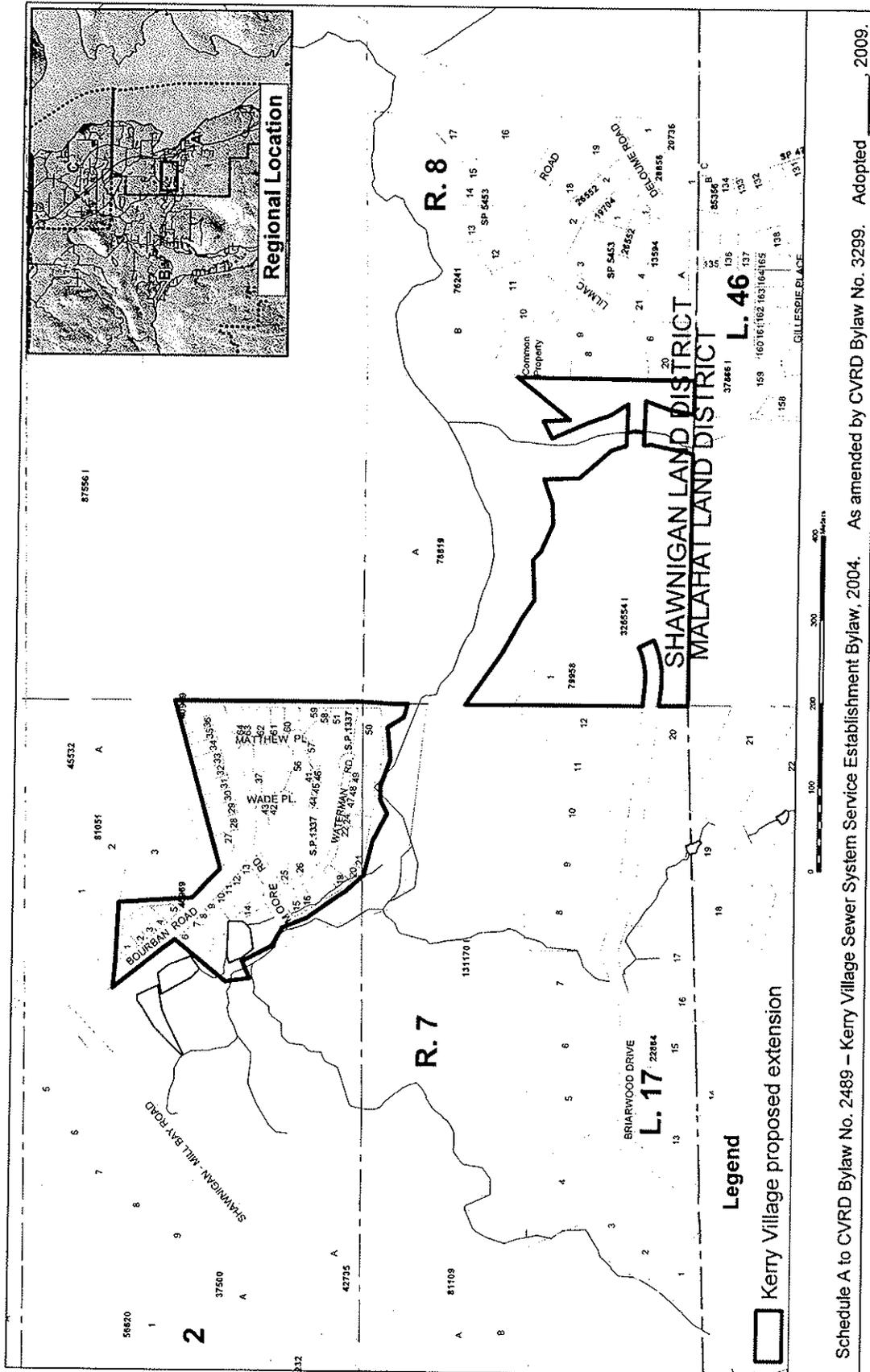
READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004. As amended by CVRD Bylaw No. 3299. Adopted _____ 2009.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3304

A Bylaw for the Regulation and Management of the
Bald Mountain Drainage System

WHEREAS the Board of the Cowichan Valley Regional District established the Bald Mountain Drainage System Service Area under the provision of CVRD Bylaw No. 3182, cited as "*CVRD Bylaw No. 3182 – Bald Mountain Drainage System Service Establishment Bylaw, 2008*", for the purpose of providing services to a defined portion of Electoral Area I – Youbou/Meade Creek;

AND WHEREAS it is deemed necessary and expedient that provisions be made for the regulation and management of discharge of waste into the storm sewers and watercourses, and for terms and conditions upon which storm drainage services may be provided, and for a tariff of charges for such services;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3304 – Bald Mountain Drainage System Management Bylaw, 2009**".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"*Active Floodplain*" means an area of land within a boundary that is indicated by the visible high water mark or water level of a *Stream* that is reached during annual flood events as evidenced by *Riparian Area* conditions described in the definition of "*Riparian Area*".

"*Air*" means the atmosphere but, except in a *Storm Drain* or a *Stormwater Management Facility* or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.

"*Air Contaminant*" means any *Substance* or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:

.../2

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes with or is capable of interfering with visibility;
- (d) interferes with or is capable of interfering with the normal conduct of business;
- (e) causes or is capable of causing material physical discomfort to a person; or
- (f) damages or is capable of damaging the environment.

"**Biomedical Waste**" means biomedical waste as defined in "Guidelines for the Management of Biomedical Waste" established by the Canadian Council of Ministers of the Environment (CCME) and dated February, 1992.

"**Board**" means the Board of Directors of the Cowichan Valley Regional District.

"**Colour**" means the true *Colour* of water from which turbidity has been removed, as determined by the appropriate procedure in *Standard Methods*.

"**Composite Sample**" means a sample which is composed of equivalent portions of a specified number of *Grab Samples* collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.

"**Condensed Water**" means water, which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air-conditioning equipment and steam heating systems.

"**Contaminant**" means any *Substance*, whether dissolved or suspended, or any *Wastewater* quality parameter that, when present above a certain concentration in *Wastewater*:

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes with or is capable of interfering with the proper operation of a sewer or *Stormwater Management Facility*;
- (d) causes or is capable of causing material physical discomfort to a person; or
- (e) damages or is capable of damaging the environment.

"**Development**" includes the construction of a building or structure, the placement of fill, the paving of land or any other alteration to land, which causes a change to the existing drainage characteristics.

"**Discharge**" means to directly or indirectly introduce a *Substance* by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

.../3

"**Domestic Waste**" means **Waste, Sanitary Waste** and the water-carried wastes from drinking, culinary uses, washing, bathing, laundering or food processing which is produced on a **Residential Property**.

"**Enactment**" means any applicable act, regulation, bylaw, order, or authorization, by a federal, provincial, regional, municipal government or their authorized representatives.

"**Fecal Coliform**" means the portion of coliform bacteria from fecal sources, as determined by the appropriate procedure in **Standard Methods**.

"**Fish-bearing Stream**" means a **Stream** in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish.

"**Grab Sample**" means a sample of water or **Stormwater** collected at a particular time and place.

"**Impermeable Material**" means a paved or roof surface that prevents or retards the entry of water into the soil and which causes **Stormwater** to run off the surface in quantities and at increased flow rates greater than the quantities and the flow rates of the natural environment.

"**Improvement District**" means an Improvement District incorporated under the **Local Government Act**.

"**Manager**" means the General Manager of Engineering and Environmental Services for the **Regional District**, or his designate.

"**Non-Domestic Waste**" means all **Waste**, except domestic **Waste, Trucked Liquid Waste, Sanitary Waste, Stormwater**, and **Uncontaminated Water**.

"**Non Fish-bearing Stream**" means a **Stream** that:

- (a) is not inhabited by fish; and
- (b) provides water, food and nutrients to a downstream fish-bearing stream or other water body.

"**Oil and Grease**" means an organic **Substance** or **Substances** recoverable by procedures set out in **Standard Methods** or procedures authorized by the **Manager** and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.

"**Owner**" means any person who is registered under the Land Titles Act as the **Owner** of land, or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.

"**PCB**" means any monochlorinated, dechlorinated, or polychlorinated biphenyl or any mixture that contains one or more of these.

.../4

"**Permanent**" means, in relation to a *Fish-bearing Stream*, that it typically contains continuous surface waters or flows for periods more than six months in duration.

"**Permanent Structure**" means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any local government bylaw or approval condition in effect at the time of construction, placement or erection.

"**Pesticides**" means *Pesticides* regulated under the Integrated Pest Management Act of British Columbia.

"**pH**" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in *Standard Methods*.

"**Pollution**" means the presence in the environment of *Substances* or *Contaminants* that substantially alter or impair the usefulness of the environment.

"**Pool**" means any water receptacle designed for decorative purposes or used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time.

"**Potential Vegetation**" is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a *Permanent Structure*.

"**Premises**" means any land or building or both or any part thereof.

"**Prohibited Waste**" means *Prohibited Waste* as defined in Schedule "A" to this Bylaw.

"**Radioactive Materials**" means radioactive material as defined in the Atomic Energy Control Act of Canada and regulations under that Act.

"**Ravine**" means a narrow, steep-sided valley that is commonly eroded by running water and with slope grades greater than 3:1.

"**Regional District**" means the Cowichan Valley Regional District.

"**Regional District Drainage System**" means *Storm Drains* and *Stormwater* management facilities owned or operated by the *Regional District*.

"**Residential Property**" means a property that is used primarily for the purpose of residence by persons on a *Permanent*, temporary or seasonal basis.

.../5

"**Riparian Area**" means the area adjacent to a **Stream** that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water.

"**Sanitary Waste**" means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

"**Special Waste**" means **Special Waste** as defined in the Environmental Management Act of British Columbia or any legislation that replaces the Environmental Management Act.

"**Special Waste Regulation**" means the **Special Waste Regulation** enacted pursuant to the British Columbia Environmental Management Act or any legislation that replaces the Environmental Management Act.

"**Standard Methods**" means the 20th edition of "Standard Methods for the Examination of Water and Wastewater" jointly prepared and published from time to time by the American Public Health Association, American Water Works Association, and the Water Environment Federation, published in 1998.

"**Storm Drain**" means a pipe, conduit, drain or other equipment or facilities for the collection and transmission of **Stormwater** or **Uncontaminated Water**.

"**Stormwater**" means water resulting from natural precipitation from the atmosphere.

"**Stormwater Management Facility**" means an impoundment and appurtenant structures, connections and controls for containment, detention or retention of **Stormwater** and its delayed release at a controlled rate to a receiving **Storm Drain** or **Watercourse**.

"**Stream**" includes a pond, lake, river, creek, brook, spring or wetland.

"**Streamside Protection Area**" means an area adjacent to a **Stream** that links aquatic or terrestrial ecosystems and includes both the **Riparian Area** vegetation and the adjacent upland vegetation that exerts an influence on the **Stream**, the width of which is determined according to Section 5.

"**Substance**" includes any solid, liquid or gas.

"**Suspended Solids**" means the portion of total solids retained by a filter, as determined by the appropriate procedure in **Standard Methods**.

"**Top of Bank**" means the point closest to the wetted boundary of a **Stream** where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break.

"**Top of Ravine Bank**" means the first significant break in a **Ravine** slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the **Ravine** that could be developed.

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"*Trucked Liquid Waste*" means any *Waste* that is collected and transported from the site where the *Waste* originated by means other than *Discharge* to a sewer including, but not limited to, holding tank *Waste*, septic tank *Waste*, chemical toilet contents, catch basin *Waste*, *Oil and Grease* from interceptors or traps, and other sludge of organic or inorganic origin.

"*Uncontaminated Water*" means any water excluding *Stormwater*, but including cooling water, *Condensed Water* and water from municipal waterworks or a private water supply to which no *Contaminant* has been added.

"*Waste*" means any *Substance* whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to the *Regional District Drainage System*.

"*Wastewater*" means the composite of water and water-carried waste from residential, commercial, industrial or institutional *Premises* or any other source.

"*Wastewater quality parameter*" means any parameter used to describe the quality of *Wastewater*.

"*Water*" includes surface water, groundwater and ice.

"*Watercourse*" means:

- (a) a *Stream*; or
- (b) a canal, ditch, reservoir, *Stormwater Management Facility* or other man-made surface feature designed to carry or hold water or *Stormwater*; whether it contains or conveys water continuously or intermittently.

"*Waterworks*" means any works owned or otherwise under the control or jurisdiction of the *District* that distributes, transports, or stores drinking water.

3.0 DISCHARGES TO STORM DRAINS AND WATERCOURSES

- 1) No person shall *Discharge* or allow or cause to be discharged into a *Storm Drain* or *Watercourse* any *Domestic Waste*, *Trucked Liquid Waste*, *Prohibited Waste*, or *Sanitary Waste*.
- 2) Despite the prohibition contained in Subsection 3(1), a person may *Discharge* into a *Storm Drain* or *Watercourse* water resulting from domestic activities customarily incidental to a residential use of land including:
 - (a) water resulting from natural precipitation, and drainage of such water;
 - (b) water resulting from garden and lawn maintenance, non-commercial car washing, building washing and driveway washing; and
 - (c) *Uncontaminated Water*.

.../7

- 3) Despite the prohibition contained in Subsection 3(1), a person may *Discharge* into a *Storm Drain* or *Watercourse* water resulting from the following non-domestic activities:
 - (a) street, hydrant and water main flushing; and
 - (b) firefighting activities.

4.0 APPROVAL FOR WORK IN REGIONAL DISTRICT DRAINAGE SYSTEM

- 1) No person shall, without the prior written approval of the *Manager*,
 - (a) alter, repair, remove, fill in, reconstruct, divert or carry out any other works within the *Regional District Drainage System*;
 - (b) enclose any *Watercourse* in a drain or culvert; or
 - (c) cut or remove a tree, cut or remove vegetation, remove or deposit soil, construct or build structures, or install drainage works within a *Streamside Protection Area* of a *Watercourse* where the proposed activity or work is likely to impair the quality of *Stormwater* or alter *Stormwater* flow patterns or flow rates in a manner that is likely to increase the risk of flooding or environmental damage or interfere with the proper functioning of the *Regional District Drainage System*.
- 2) A person who wishes to do work referred to in Subsection (1) shall submit to the *Manager*:
 - (a) a plan of the proposed work showing the design;
 - (b) a written report evaluating the potential impacts of the proposed work on the quality of *Stormwater* and the *Regional District Drainage System* or *Watercourse* including changes in water flow patterns, hydraulic changes and the potential for flooding; and
 - (c) a written report indicating measures that the applicant will take to minimize adverse effects on the environment while the work is carried out.
- 3) The *Manager* may waive the requirement under Subsection (2), if, in the opinion of the *Manager*, the proposed works are of such a minor nature that they are unlikely to have any appreciable impact on a *Watercourse* or on the *Regional District Drainage System*.
- 4) If the *Manager* reviews an application for approval under this section and determines that the proposed work:
 - (a) will not impair the quality of *Stormwater*; and
 - (b) will not alter *Stormwater* flow patterns and flow rates in a manner which is likely to increase the risk of flooding or environmental damage or interfere with the proper functioning of the *Regional District Drainage System*, then the *Manager* may issue the approval.

5.0 DETERMINATION OF THE WIDTH OF STREAMSIDE PROTECTION AREAS

- 1) **Streamside Protection Areas** are those areas determined with reference to the following existing or **Potential Vegetation** conditions by measuring perpendicularly away from the **Top of Bank** or **Top of Ravine Bank** on either side of a **Stream**:
 - (a) intact and continuous areas of existing or **Potential Vegetation** equal to or greater than 50 metres wide;
 - (b) limited but continuous areas of existing or **Potential Vegetation** equal to 30 metres wide or discontinuous but occasionally wider areas of existing or **Potential Vegetation** between 30 and 50 metres wide;
 - (c) narrow but continuous areas of existing or **Potential Vegetation** equal to 15 metres wide or discontinuous but occasionally wider areas of existing or **Potential Vegetation** between 15 and 30 metres wide;
 - (d) very narrow but continuous areas of existing or **Potential Vegetation** up to 5 metres wide or discontinuous but occasionally wider areas of existing or **Potential Vegetation** between 5 and 15 metres wide interspersed with **Permanent Structures**.
- 2) With reference to vegetation conditions in Subsection (1), **Streamside Protection Areas** must be:
 - (a) if Subsection(1)(a) or (b) applies, 30 metres wide measured perpendicularly away from the **Top of Bank** for all **Fish-bearing Streams** or for **Non Fish-bearing Streams** that are **Permanent**;
 - (b) if Subsection (1)(a), (b) or (c) applies, 15 metres wide measured perpendicularly away from the **Top of Bank** for **Non Fish-bearing Streams** that are non-**Permanent**;
 - (c) if Subsection (1)(c) applies, 15 metres wide measured perpendicularly away from the **Top of Bank** for **Non Fish-bearing Streams** that are **Permanent**;
 - (d) if Subsection (1)(d) applies, 15 metres wide measured perpendicularly away from the top of the bank for all **Fish-bearing Streams**;
 - (e) if Subsection (1)(d) applies, 5 metres wide measured perpendicularly away from the **Top of Bank** for all **Non Fish-bearing Streams**.
- 3) If a **Stream** is in a **Ravine** that is less than 60 metres in total width from **top of Ravine bank** to **Top of Ravine Bank**, not including the **Stream** channel within its **Active Floodplain** boundaries, protection must be consistent with Subsection (2)(a) through (e), where appropriate, from the **Top of Ravine bank**.
- 4) If a **Stream** is in a **Ravine** that is more than 60 metres in total width from top of the **Ravine** bank to **Top of Ravine Bank**, not including the **Stream** channel within its **Active Floodplain** boundaries, a **Streamside Protection Area** must be 10 metres wide measured perpendicularly away from the top of the **Ravine** bank.

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6.0 OBSTRUCTING WATERCOURSES

- 1) No person shall obstruct or impede the flow of a *Stream*, creek, waterway, *Watercourse*, waterworks, ditch, drain or *Storm Drain* whether or not it is located on private property.

7.0 AUTHORITY OF THE MANAGER

- 1) The *Manager* has the powers set out in this Bylaw and the responsibilities in relation to the administration of this Bylaw as set out in the Bylaw.

8.0 INSPECTION

- 1) The *Manager*, his designate or a bylaw enforcement officer may enter at all reasonable times, on any property that is subject to this Bylaw to ascertain whether the regulations of this Bylaw are being observed or the requirements of this Bylaw are being met.

9.0 DISCONNECTION

- 1) Where an *Owner* or occupier of real property discharges any *Domestic Waste*, *Trucked Liquid Waste* or *Prohibited Wastes* into a *Storm Drain*, and where a Court of competent jurisdiction determines that the *Discharge* creates a nuisance, then the *Manager* is authorized to require the *Owner* or occupier of the real property to immediately abate the nuisance, and where the nuisance is not abated, the *Manager* is authorized to cause the nuisance to be abated by the disconnection or plugging of any *Storm Drain* connection at the expense of the person in default.
- 2) If action in default is taken under Subsection (1), the expense may be recovered from the *Owner* of the real property in accordance with Section 376 of the *Local Government Act*.

10.0 OFFENCES AND PENALTIES

- 1) A person who contravenes this Bylaw commits an offence and is liable upon conviction to a fine not exceeding \$2,000.00.
- 2) Each day that a violation occurs or continues shall constitute a separate offence.

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11.0 GENERAL

- 1) No person shall hinder or prevent the *Manager*, a person authorized by the *Manager*, or a bylaw enforcement officer from entering any *Premises* or from carrying out his duties with respect to the administration of this Bylaw.
- 2) The Schedules annexed to this Bylaw shall be deemed to be an integral part of this Bylaw.
- 3) If any provision of this Bylaw is found to be invalid by a Court of competent jurisdiction it may be severed from the Bylaw.
- 4) The headings in this Bylaw are inserted for convenience and reference only.
- 5) This Bylaw, other than section 7, comes into force upon adoption.

12.0 PURPOSE

- 1) This Bylaw must be interpreted in accordance with this section despite any other provision of this Bylaw.
- 2) This Bylaw is enacted for the purpose of regulating *Discharges* to, and works and activities in relation to, *Watercourses* and the *Regional District Drainage System* in order to reduce the risk of flooding or *Pollution* or interference with the proper functioning of the *Regional District Drainage System*. The purpose of this Bylaw does not extend:
 - (a) to the protection of any person from economic loss;
 - (b) to the assumption by the *Regional District* of responsibility for ensuring that any *Discharge of Wastewater* to a *Watercourse* or the *Regional District Drainage System*, or activity or works in relation to *Watercourses* or the *Regional District Drainage System* does not cause flooding, *Pollution* or interference with the proper functioning of the *Regional District Drainage System*; or
 - (c) to provide any person with a warranty that any *Discharge of Wastewater* or activity or works referred to in paragraph (b) will not cause flooding, *Pollution* or other nuisance to any person.
- 3) Nothing in this Bylaw shall be interpreted as relieving a person discharging *Wastewater* from complying with Federal, Provincial and Local Government *Enactments* governing the *Discharge of Wastewater* into *Storm Drains* and *Watercourses*, and in the event of a conflict between the provisions of this Bylaw and a Federal or Provincial *Enactment*, the provisions of the Federal or Provincial *Enactment* shall prevail.

READ A FIRST TIME this _____ day of _____ , 2009.

READ A SECOND TIME this _____ day of _____ , 2009.

READ A THIRD TIME this _____ day of _____ , 2009.

ADOPTED this _____ day of _____ , 2009.

Chairperson

Corporate Secretary



SCHEDULE A

TO CVRD BYLAW NO. 3304

PROHIBITED WASTE

Prohibited Waste means:

1. **Special Waste**
Special waste as defined by the Environmental Management Act (British Columbia) and its Regulations or any legislation that replaces the Environmental Management Act.
2. **Biomedical Waste**
Any biomedical waste.
3. **Air Contaminant Waste**
Any *Waste* which, by itself or in combination with another *Substance*, is capable of creating, causing or introducing an *Air Contaminant*, causing *Air Pollution* outside any *Storm Drain* or *Stormwater Management Facility* or is capable of creating, causing or introducing an *Air Contaminant* within any *Storm Drain* or *Stormwater Management Facility* which would prevent safe entry by authorized personnel.
4. **Flammable or Explosive Waste**
Any *Waste*, which by itself or in combination with another *Substance*, is capable of causing or contributing to an explosion or supporting combustion in any *Storm Drain*, *Watercourse* or *Stormwater Management Facility* including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.
5. **Obstructive Waste**
Any *Waste* which by itself or in combination with another *Substance* is capable of obstructing the flow of, or interfering with, the operation, performance or flow of any *Storm Drain*, *Watercourse* or *Stormwater Management Facility* including, but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl, and solidified fat.

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6. Corrosive Waste

Any *Waste* with corrosive properties which, by itself, or in combination with any other *Substance*, may cause damage to any *Storm Drain* or *Stormwater Management Facility* or which may prevent safe entry by authorized personnel.

7. High Temperature Waste

(a) Any *Waste* which, by itself or in combination with another *Substance*, will create heat in amounts which will interfere with the operation and maintenance of a *Storm Drain* or *Stormwater Management Facility*;

(b) Any *Waste* which will raise the temperature of *Waste* discharged by a *Storm Drain*, *Watercourse* or *Stormwater Management Facility* by 1 degree Celsius or more;

(c) Any *Waste* with a temperature of 18 degrees Celsius or more at the point of *Discharge*.

8. PCB's and Pesticides

Any *Waste* containing *PCB's* or *Pesticides*.

9. Pool Water

Any water from a *Pool* containing residual chlorine, chloramine, bromine or chloride.

10. Radioactive Waste

Any *Waste* containing *Radioactive Materials* that, prior to the point of *Discharge* into a *Storm Drain* or *Watercourse*, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

11. pH Waste

Any *Waste* which, prior to the point of *Discharge* into a *Storm Drain* or *Watercourse*, has a *pH* lower than 6.5 or higher than 9.0 as determined by either a *Grab Sample* or *Composite Sample*.

12. Dyes and Colouring Material

Dyes or colouring materials that produce, in a *Grab Sample* or *Composite Sample*, a *Colour* value greater than or equal to 50 true *Colour* units, or that causes discolouration of water to such an extent that the *Colour* cannot be determined by the visual comparison method as set out in *Standard Methods* except where the dye is used by a municipality or *Regional District* as a tracer.

13. Miscellaneous Wastes

Any *Waste* which by itself or in combination with another *Substance*:

(a) constitutes or may constitute a health or safety hazard to any person;

(b) causes *Pollution* in any *Storm Drain*, *Watercourse* or *Stormwater Management Facility*.

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14. Disinfectant Process Water

Any water from a waterworks containing residual chlorine or chloramine remaining from the disinfection of the waterworks or any part of the waterworks.

15. Fill

Soil, sand, clay, gravel, rock or other material of which land is composed.

16. Oily Wastewater

Any *Wastewater* that contains visible oil floating on the surface.

17. Wastewater containing *Suspended Solids*

Any *Wastewater* that contains *Suspended Solids* in concentrations that would:

(a) exceed 75 milligrams per litre as determined by either a *Grab Sample* or a *Composite Sample*, or

(b) cause the *Water Quality* in the *Watercourse* receiving the *Wastewater* to exceed the *Suspended Solids* criteria as set out in Table 2, title "Summary of Approved Water Quality Criteria for Particulate Matter" in the "British Columbia Approved Water Quality Guidelines (Criteria): 1998 Edition, Updated June 28, 2000" published by the Ministry of Environment.

18. Wastewater containing *Fecal Coliform*

Any *Wastewater* that contains *Fecal Coliform* in concentrations above 200 colony counts/100-ml as determined by a *Grab Sample* or *Composite Sample*.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3318

**A Bylaw to Authorize a Tax Exemption by the
Cowichan Valley Regional District for Lands or Improvements which
Qualify for a Permissive Exemption Under Section 809**

WHEREAS under Section 809(4)(g) of the *Local Government Act* the Cowichan Valley Regional District may provide a tax exemption for lands or improvements in an electoral area owned or held by a municipality, regional district or other local authority and are used for a purpose of the local authority;

AND WHEREAS Section 809(3) of the *Local Government Act* provides that prior to October 31st of any year, the Cowichan Valley Regional District Board, by bylaw adopted by two-thirds of the votes cast, may exempt from taxation imposed under Section 809 of the *Local Government Act*, certain lands and improvements or both, for the next calendar year.

AND WHEREAS the Board wishes to exempt certain land and improvements owned, held or operated for the uses or purposes set out in Section 809(4)(g) of the *Local Government Act* from taxation for the calendar year 2010;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "Cowichan Valley Regional District Bylaw No. 3318 – Tax Exemption (Permissive) Bylaw, 2009".

2. **PERMISSIVE TAX EXEMPTION LAND**

The parcels of land outlined in Schedule A attached to this bylaw and any improvements on the lands shall be exempt from taxation under Section 809 of the *Local Government Act* for the year 2010.

READ A FIRST TIME this _____ day of _____, 2009.

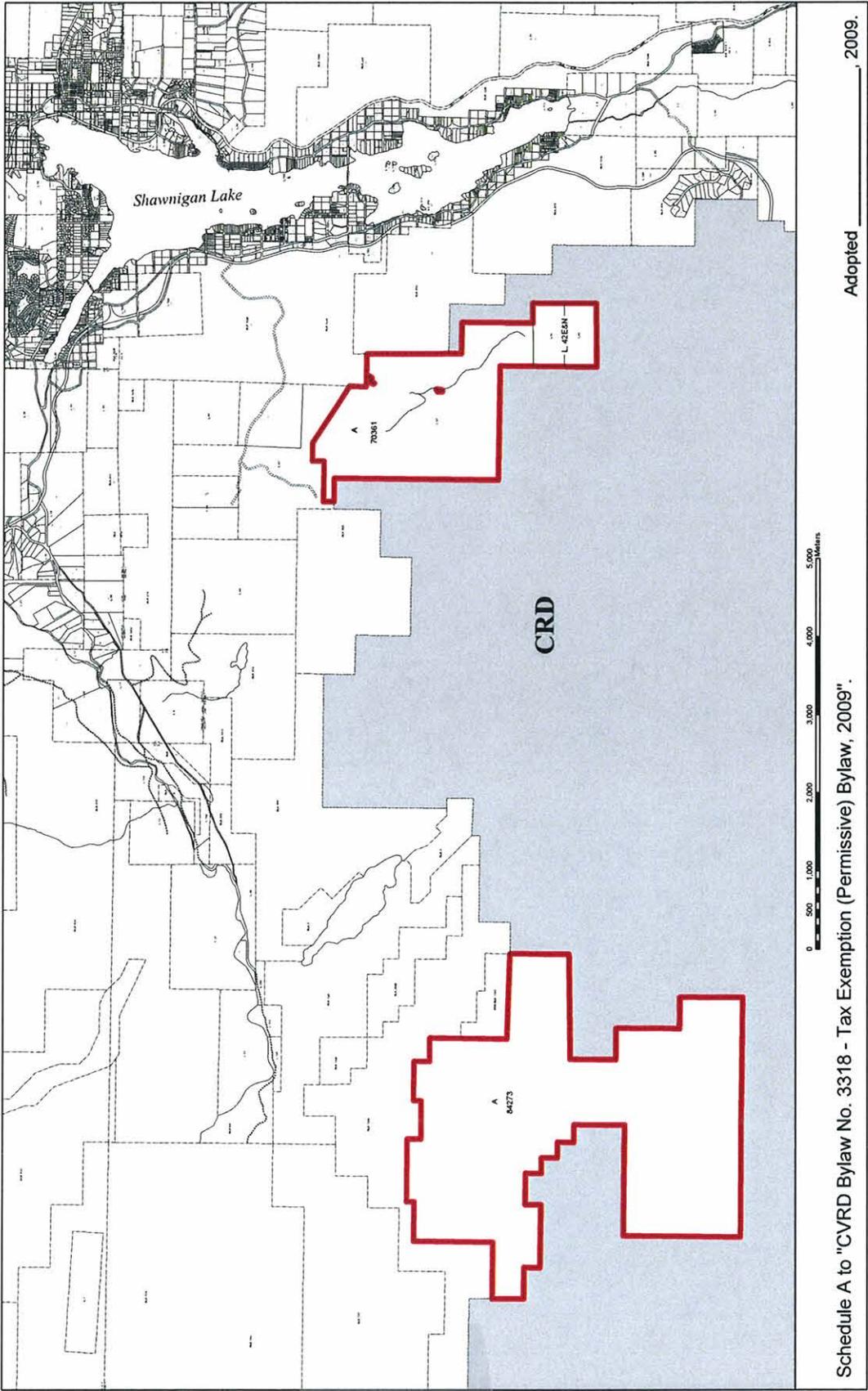
READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

154 Corporate Secretary



Adopted _____ 2009.

Schedule A to "CVRD Bylaw No. 3318 - Tax Exemption (Permissive) Bylaw, 2009".



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3319

A Bylaw to Amend the Lambourn Estates Water System Management Bylaw No. 3099

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Lambourn Estates Water System* pursuant to Bylaw No. 3099, cited as "*CVRD Bylaw No. 3099 – Lambourn Estates Water System Management Bylaw, 2008*";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to amend Schedule B;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This Bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3319 - Lambourn Estates Water System Management Amendment Bylaw, 2009**".

2. **AMENDMENTS**

- a) That Schedule B of Bylaw 3099 be deleted in its entirety and replaced with Schedule B attached to and forming part of this Bylaw.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE B

TO CVRD BYLAW NO. 3099

METERED WATER RATES AND CHARGES

Water Rates and Charges:

The *Consumer of District Water* supplied through *Water Meters*, shall pay the minimum charge set out below. A 10% discount will be applied for timely payment.

Water Rates and Charges per Classification per six (6) month period:

CLASSIFICATION	USER CHARGES			
	Water Use		Charge	
Group A				
Single Family Dwelling: Per Dwelling	0	- 200 m ³	\$ 135.00	
Laundromat: Minimum charge for each washing machine	201	- 300 m ³	\$ 135.00	+ 1.00 per m ³ over 200 m ³
Elementary/Middle Scholl: Minimum charge per 20 students or portion thereof	301	- 400 m ³	\$ 235.00	+ 1.50 per m ³ over 300 m ³
	over 400	m ³	\$ 385.00	+ 2.25 per m ³ over 400 m ³
Group B				
Apartment: Per Unit	0	- 160 m ³	\$ 101.25	
Mobile/Modular Home Park: Per Unit	161	- 240 m ³	\$ 101.25	+ 1.00 per m ³ over 160 m ³
	241	- 320 m ³	\$ 181.25	+ 1.50 per m ³ over 240 m ³
	over 320	- m ³	\$ 301.25	+ 2.25 per m ³ over 320 m ³
Group C				
Commercial: Minimum charge for each 10 employees or portion thereof per shift	0	- 130 m ³	\$ 81.00	
	131	- 195 m ³	\$ 81.00	+ 1.00 per m ³ over 130 m ³
	196	- 260 m ³	\$ 146.00	+ 1.50 per m ³ over 195 m ³
	over 260	- m ³	\$ 243.50	+ 2.25 per m ³ over 260 m ³
Group D				
Continuing Care Facility: Minimum charge for each bed	0	- 100 m ³	\$ 67.50	
	101	- 150 m ³	\$ 67.50	+ 1.00 per m ³ over 100 m ³
	151	- 200 m ³	\$ 117.50	+ 1.50 per m ³ over 150 m ³
	over 200	- m ³	\$ 192.50	+ 2.25 per m ³ over 200 m ³
Group E				
RV Trailer Park/Campground-Site Connected to Sewer: <u>Per service pad or Site</u>	0	- 67 m ³	\$ 45.00	
Restaurant: Per 10 seats or patrons, or portion thereof	68	- 100 m ³	\$ 45.00	+ 1.00 per m ³ over 67 m ³
Hotel/Motel: per housekeeping unit	101	- 133 m ³	\$ 78.00	+ 1.50 per m ³ over 100 m ³
	over 133	- m ³	\$ 127.50	+ 2.25 per m ³ over 133 m ³
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CLASSIFICATION	USER CHARGES			
	Water Use		Charge	
Group F Bed & Breakfast House: includes the minimum charge for a single family dwelling unit as defined in Group A above, plus a minimum charge per each Guest Group	0 - 40	m ³	\$ 45.00	
	41 - 60	m ³	\$ 45.00	+ 1.00 per m ³ over 40 m ³
	61 - 80	m ³	\$ 65.00	+ 1.50 per m ³ over 60 m ³
	over 80 -	m ³	\$ 95.00	+ 2.25 per m ³ over 80 m ³
Group G RV Trailer Park/Campground-Site not Connected to Sewer: - Per service pad or Site	0 - 20	m ³	\$ 13.50	
	21 - 30	m ³	\$ 13.50	+ 1.00 per m ³ over 20 m ³
	31 - 40	m ³	\$ 23.50	+ 1.50 per m ³ over 30 m ³
	over 40 -	m ³	\$ 38.50	+ 2.25 per m ³ over 40 m ³
Group H High School: Minimum charge per 20 students or portion thereof per shift	0 - 270	m ³	\$ 168.75	
	271 - 405	m ³	\$ 168.75	+ 1.00 per m ³ over 270 m ³
	406 - 540	m ³	\$ 303.75	+ 1.50 per m ³ over 405 m ³
	over 540 -	m ³	\$ 506.25	+ 2.25 per m ³ over 540 m ³
Group I Hotel/Motel: per room or suite	0 - 50	m ³	\$ 33.75	
	51 - 75	m ³	\$ 33.75	+ 1.00 per m ³ over 50 m ³
	76 - 100	m ³	\$ 58.75	+ 1.50 per m ³ over 75 m ³
	over 100 -	m ³	\$ 96.25	+ 2.25 per m ³ over 100 m ³
Group J Licensed Premises: Per 10 seats or portion thereof	0 - 83	m ³	\$ 54.00	
	84 - 125	m ³	\$ 54.00	+ 1.00 per m ³ over 83 m ³
	126 - 167	m ³	\$ 96.00	+ 1.50 per m ³ over 125 m ³
	over 167 -	m ³	\$ 159.00	+ 2.25 per m ³ over 167 m ³

Other

The minimum charge and the volume of water to be apportioned for a six (6) month period for other types of development that, in the opinion of the **Manager**, do not fall within the above classifications, shall be determined by the Manager of Engineering Services and his decision shall be final.

Aggregate Allotment - Where more than one of the above classifications including "**Other**" is in use, or intended for use, then the applicable charges shall be applied to each and every classification

UNDETECTED LEAKS:

User Charges will be adjusted on a one-time forgiveness basis, where an undetected leak on the consumer's property has resulted in water usage greatly exceeding typical usage of water, according to the applicable classifications(s), and there is no indication that water was knowingly allowed to run to waste. Additionally, a cap of \$1,500.00 per owner is in place for subsequent leaks after the first "forgiveness" of a water overage charge. Written verification from the **Consumer** describing the nature of the leakage and the action taken to rectify the problem must be received by the **Manager** before the one-time forgiveness will be granted. The leakage problem must be rectified by the **Consumer** within 30 days upon discovery, or notification of the problem.

USER CLASSIFICATION DESCRIPTIONS**Single Family Dwelling:**

Applies to any connection servicing 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 and a cabin.

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile/Modular Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

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Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3320

**A Bylaw to Establish a Service to Provide an
Annual Financial Contribution to the Cowichan Aquatic Centre.**

WHEREAS pursuant to the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish an annual financial contribution service for the Cowichan Aquatic Centre for the purpose of assisting with costs associated with the operation and maintenance of the facility;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and the *Community Charter*;

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

1. **CITATION**

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 3320 – Cowichan Aquatic Centre Annual Contribution Service Establishment Bylaw, 2009**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is a service for the purpose of providing an annual financial contribution to assist the Cowichan Aquatic Centre with costs associated with the operation and maintenance of the facility. The service shall be known as the "Cowichan Aquatic Centre Annual Contribution Service".

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are the boundaries of Electoral Area D – Cowichan Bay.

4. **PARTICIPATING AREA**

Electoral Area D – Cowichan Bay is the only participating area for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area; and/or,
- b) revenues raised by other means authorized by the *Local Government Act*.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$132,000. or an amount equal to the amount that could be raised by a property value tax of \$0.2739 per \$1,000. of net taxable value of land and improvements within the service area.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3320 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3321

A Bylaw Authorizing the Expenditure of Funds from the *Electoral Area F Community Parks Capital Reserve Fund* Established Pursuant to CVRD Bylaw No. 2740

WHEREAS as of July 31, 2009, there is an unappropriated balance in the *Electoral Area F Community Parks Capital Reserve Fund* of Fifty-Four Thousand Six Hundred Thirty-Eight Dollars (\$54,638.) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2008:		\$54,363.
ADD:	Additions to the Fund, Including interest earned for the current year to date.	<u>\$ 275.</u>
		\$54,638.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	<u>NIL</u>
UNCOMMITTED BALANCE In Reserve Fund as at July 31, 2009:		<u>\$54,638.</u>

AND WHERAS it is deemed desirable and expedient to expend not more than Forty Thousand Dollars (\$40,000.) of the said balance for the purpose of completing the dismantling of the old store building in Mesachie Lake Park and the installation of lighting in Central Park;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3321 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake and Central Parks Projects) Bylaw, 2009**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Forty Thousand Dollars (\$40,000.), is hereby appropriated from the *Electoral Area F Community Parks Capital Reserve Fund* for the purpose of completing the dismantling of the old store building in Mesachie Lake Park and the installation of lighting in Central Park.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-391.3 adopted August 12, 2009.

3. SUMS REMAINING

Should any of the said sum of Forty Thousand Dollars (\$40,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3282

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 2600
Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls**

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area F – Cowichan Lake South/Skutz Falls, that being Zoning Bylaw No. 2600;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the notification period and with due regard to the public comments received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2600;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3282 - Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cowichan River Bible Camp), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 2600, as amended from time to time, is hereby amended in the following manner:

- a) That Schedule A (Zoning Map) to Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning Lot 3, Section 6, Range 5, Sahtlam District, Plan 2771, Except That Part Thereof Lying To The South of Sahtlam Road And To The West and North West Respectively of Boundaries Parallel To And Perpendicularly Distant 100 Feet From The Westerly And North Westerly Boundaries of Said Lot And The Productions of Said Boundaries and Except Part In Plan 32679, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3282, from P-1 (Parks 1 Zone) to P-2 (Institutional 2 Zone).

.../2

- b) That Schedule A (Zoning Map) to Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning That Part of Lot 3, Section 6, Range 5, Sahtlam District, Plan 2771, Lying To The South of Sahtlam Road as Said Road is Shown on Said Plan, And To West And North West Respectively of Boundaries Parallel To And Perpendicularly 100 Feet From the Westerly and North Westerly Boundaries of Said Lot And Productions of Said Boundaries as shown outlined in a solid black line on Schedule B attached hereto and forming part of this bylaw, numbered Z-3282, from P-1 (Parks 1 Zone) to P-2 (Institutional 2 Zone).

3. **FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this 8th day of July, 2009

READ A SECOND TIME this 8th day of July, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3282 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*

this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

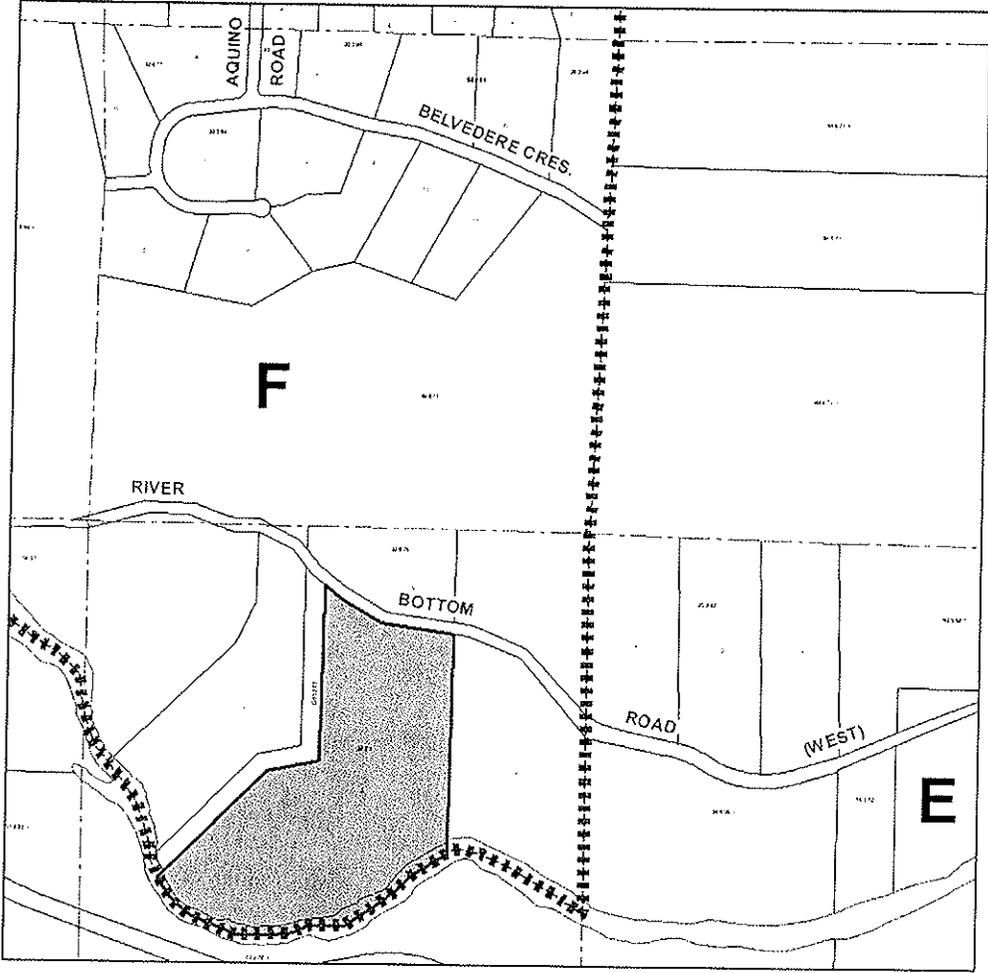
Chairperson

Corporate Secretary

PLAN NO. Z-3282

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT

3282



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

P-1 (Parks 1 Zone)

TO

P-2 (Institutional 2 Zone)

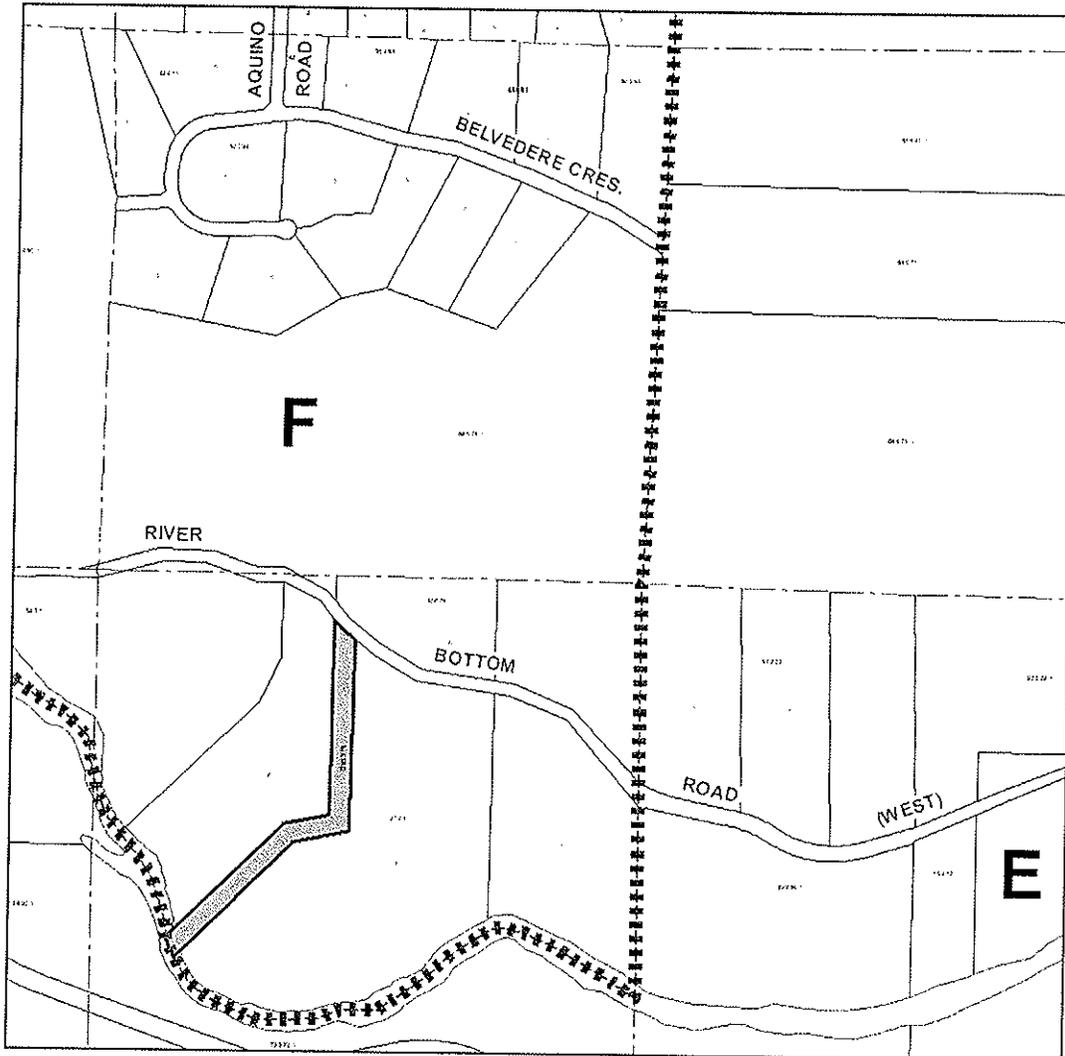
APPLICABLE

TO ELECTORAL AREA F

PLAN NO. Z-3282

**SCHEDULE "B" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3282



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

P-1 (Parks 1 Zone)

TO

P-2 (Institutional 2 Zone)

APPLICABLE

TO ELECTORAL AREA F



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3316

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1497,
Applicable to Electoral Area H – North Oyster/Diamond**

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area H – North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1497;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3316 - Area H – North Oyster/Diamond Official Community Plan Amendment Bylaw (Clifford/Wiggins), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3316

Schedule A to Official Community Plan Bylaw No. 1497, is hereby amended as follows:

1. That a new Section 8.5: Rural Waterfront be added to the list of residential designations in the Table of Contents, and the Mobile Home Park Residential and Housing Affordability, Special Needs and Rental Housing sections in the Table of Contents be renumbered as 8.6 and 8.7 respectively.
2. That the following be added after Policy 8.4.2:

8.5 POLICIES: RURAL WATERFRONT

POLICY 8.5.1:

Land designated as **Rural Waterfront** on the Plan Map will be eligible for maximum residential densities of approximately one unit per hectare of gross land area for principal dwellings, and the implementing bylaw will provide for linking this maximum density to the provision of specific amenities.

POLICY 8.5.2:

Given the sensitive waterfront location and unserviced nature of **Rural Waterfront** lands, special measures will be imposed in the implementing zoning bylaw to ensure that such areas are not over-developed and that the shorelines are respected.

POLICY 8.5.3

The Regional Board may consider redesignating lands not presently in the **Rural Waterfront** designation as such, provided the following criteria are met:

- a) Significant public amenities are proposed, which find widespread support in the community, and would thereafter be incorporated into the implementing zoning bylaw under Section 904 of the *Local Government Act*;
- b) The land has ocean frontage;
- c) Docks are not permitted;
- d) The land is not in the Agricultural Land Reserve;

.../2

- e) The land is not adjacent to a community water system, as defined in the Electoral Area H Zoning Bylaw;
- f) Residential densities do not exceed those specified in Policy 8.5.1;
- g) Such other matters as the Board may consider relevant to the situation.

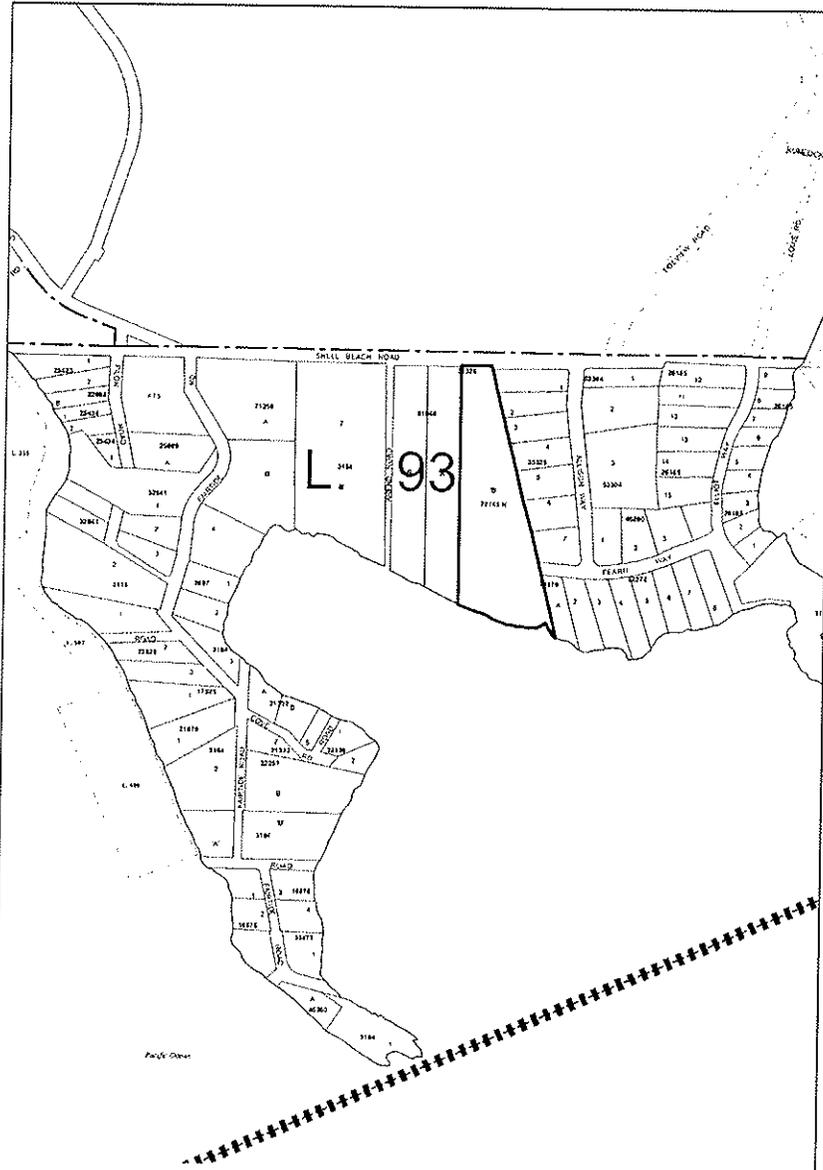
POLICY 8.5.4

Density averaging is permitted within the **Rural Waterfront** designation.

And Sections 8.5 and 8.6 are renumbered as 8.6 and 8.7 respectively, and all policies under both of these headings are also renumbered as 8.6.1, 2, 3 and 4; and 8.7.1, 2 and 3 respectively.

- 3. That the new designation "**Rural Waterfront**" is added to the legend of the Plan Map.
- 4. That Parcel B (DD EF76800) of District Lot 93, Oyster District , as shown outlined in a solid black line on Plan number Z-3316 attached hereto and forming Schedule B of this bylaw, be redesignated from **Agricultural** to **Rural Waterfront**; and that Schedule B to Official Community Plan Bylaw No. 1497 be amended accordingly.

**SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Agricultural

TO

Rural Waterfront

APPLICABLE

TO ELECTORAL AREA H



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3317

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 1020
Applicable to Electoral Area H – North Oyster/Diamond**

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws, and Section 904 permits the creation of zones for amenities and affordable housing;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area H – North Oyster/Diamond, that being Zoning Bylaw No. 1020;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1020;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3317 - Area H -- North Oyster/Diamond Zoning Amendment Bylaw (Clifford/Wiggens), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1020, as amended from time to time, is hereby amended in the following manner:

- a) Rural Waterfront Zone (R-11) is added to Section 6.1 "Creation of Zones" following the R-10 Rural Water Conservancy Zone;

.../2

- b) The following is inserted after Section 8.3(b), and Sections 8.4 and 8.5 are renumbered as 8.5 and 8.6 respectively:

8.4 R-11 ZONE – RURAL WATERFRONT

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an R-11 Zone:

1. Single family residence;
2. Secondary suite, subject to Section 8.4(b)(1) below.

(b) General Conditions of Use

For any parcel in an R-11 Zone:

1. A single secondary suite is only permitted on a parcel that exceeds 1.0 hectares in area;
2. Parcel coverage shall not exceed 20% for all buildings and structures;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential and Accessory Uses
Front	7.5 metres
Interior side	3 metres from one side parcel line and ten percent of the parcel width from the other parcel line, to a maximum of 3 metres
Exterior side	4.5 metres
Rear	4.5 metres
Ocean waterfront (high water mark)	15 metres

(c) Density, Density Bonus and Amenity Zoning Provisions

For any Parcel in an R-11 Zone, the following regulations apply:

1. The number of parcels that may be created by subdivision in the R-11 zone must not exceed 2, including any remainder parcel.

.../3

2. Despite Section 8.4(c)(1), the number of parcels that may be created by subdivision in the R-11 zone may be increased to 5 if the conditions in Sections 8.4(c)(6) through (8) are met.
3. The minimum parcel area is 0.9 hectare for residential parcels and 0.4 hectare for the parcel referred to in Section 8.4(c)(6) through (8).
4. Density averaging is permitted, provided that the average residential density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 0.9 hectare of gross land area, not including secondary suites.
5. The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
6. In respect of each 3 parcels created in excess of 2, one of the three parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.4(c)(9), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
7. The parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being in a suitable location for the intended use, of at least 0.4 hectares in area and with frontage on Shell Beach Road.
8. The parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District a well on the parcel and access to sewage disposal field on the adjacent land, the ongoing access to which will be secured by suitable easements and such other instruments as may be required, as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.
9. The parcel transferred to the Regional District under Section 8.4(c)(6) must be used for the provision of fire protection services in the North Oyster/Diamond community. If for any reason, the property is deemed to be excess to the North Oyster Fire Department requirements, the property shall revert to the community by way of being added to the Area H Community Parkland Inventory or another appropriate community land bank.

- c) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is amended by adding Rural Waterfront R-11 to the legend.
- d) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning Parcel B (DD EF76800) of District Lot 93, Oyster District, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3317, from Secondary Agricultural A-2 to Rural Waterfront R-11.
- e) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning the first 100 metres of water surface that extends perpendicularly from the shoreline of the subject property from Water Recreation W-2 to Water Conservancy W-1, as shown in a dashed black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3317.

3. **FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

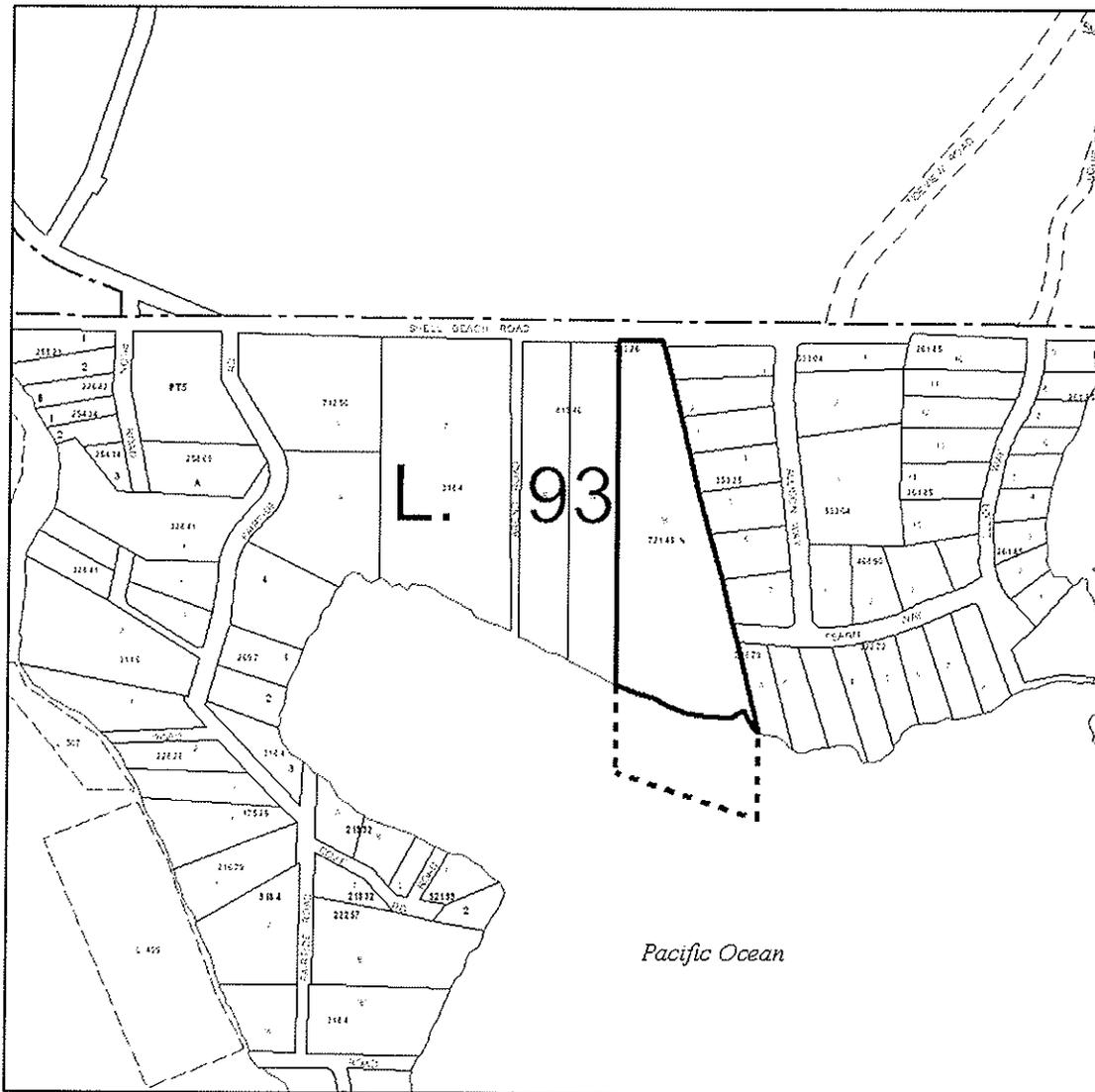
READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-2 (Secondary Agricultural) to R-11 (Rural Waterfront)

THE AREA SHOWN IN A DASHED BLACK LINE IS REZONED FROM

W-2 (Water Recreation) to W-1 (Water Conservancy)

APPLICABLE TO ELECTORAL AREA H