

DISTRICT OF SOOKE

BYLAW No. 281

CONSOLIDATED FOR REFERENCE SEPTEMBER 8, 2008

BYLAW No. 281, *SOOKE CORE SEWER SPECIFIED AREA MANDATORY CONNECTION BYLAW, 2006*

BYLAW No. 332, *SOOKE CORE SEWER SPECIFIED AREA MANDATORY CONNECTION AMENDMENT BYLAW (281-1)*

BYLAW No. 374, *SOOKE CORE SEWER SPECIFIED AREA MANDATORY CONNECTION AMENDMENT BYLAW, 2008 (281-2)*

THIS BYLAW IS PROVIDED FOR REFERENCE PURPOSES ONLY AND IS NOT TO BE RELIED UPON IN MAKING FINANCIAL OR OTHER COMMITMENTS. COPIES OF THE ORIGINAL BYLAW AND AMENDMENTS BE VIEWED AT THE DISTRICT OF SOOKE MUNICIPAL HALL.

A bylaw to require owners of real property within the Sooke Core sewer specified area to connect to the community sewer system.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as Bylaw No. 281, *Sooke Core Sewer Specified Area Mandatory Connection Bylaw, 2006*.
2. In this Bylaw:

“Decommission” means:
 - Empty the tank of all sewage and dispose of such sewage in accordance with all applicable enactments; and
 - Fill the septic tank with inert material such as clean sand or gravel; or
 - Collapse the top and walls of the septic tank and fill any voids created with inert material such as clean sand or gravel.
3. (a) Owners of real property within the Sooke Core Area Sewer Specified Area established by Bylaw No. 147, *Sooke Core Sewer Specified Area Bylaw, 2003* are required, at their own expense, to connect their buildings and structures to the community sewer system constructed and operated under that Bylaw, and to pay at

the time of making the connection a capital expansion charge as set out in Schedule B to this Bylaw, except that owners in the following categories are not liable for the capital expansion charge:

(i) owners of real property included within the Sooke Core Area Sewer Specified Area on the date of adoption of this Bylaw No. 374, *Sooke Core Sewer Specified Area Mandatory Connection Amendment Bylaw, 2008 (281-2)*; and

(ii) owners of real property in respect of which a development cost charge for sanitary sewer services is payable or has been paid under Bylaw No. 202, *Development Cost Charge Bylaw, 2004*.

(Section 3(a) amended by Bylaw No. 374, September 8, 2008)

(b) The connection required by subsection (a) must be made by September 30, 2007 in the case of real property included in the specified area established by Bylaw No. 147, and within 6 months in the case of real property included in the specified area by way of an amendment to Bylaw No. 147.

(Section 3(b) amended by Bylaw No. 374, September 8, 2008)

(c) A permit for the sewer connection is required under Bylaw No. 70, *Building Regulation Bylaw, 2001*.

4. Upon making the connection referred to in section 2 an owner must, within 14 days, remove or decommission from the real property any septic tank previously used for the disposal of sewage generated on the premises.

5. Upon the failure of any owner to make a connection as required or remove or decommission a septic tank as required by Section 4, the District by its own forces or those of a contractor may enter on the land and perform the work at the expense of the owner, and may recover the cost from the owner as a debt.

6. The cost of the work performed by the District under Section 5 may be collected in the same manner and with the same remedies as property taxes, and if unpaid by the owner on December 31 of the year in which the work was performed, is deemed to be taxes in arrear.

7. **Offence and Penalty**

7.1 Without limiting the District of Sooke's rights set out in section 263 of the *Community Charter*, every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine:

- a) In the case of an offence against Section 3 of this bylaw, a fine of not less than \$2000 if the connection is made before December 31, 2007 and not less than \$4000 otherwise;
- b) In the case of an offence against Section 4 of this bylaw, a fine of not less than \$100.

- 7.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.
- 7.3 This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the Community Charter.
- 7.4 Bylaw Enforcement Officers, Building Inspectors or Officials and the Director of Engineering are designated to enforce this bylaw pursuant to section 264(1)(b) of the *Community Charter*.
- 7.5 The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
- 7.6 The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the Community Charter for the corresponding offence designated in Column 1.

8. Bylaw No. 151, Sooke Core Sewer Specified Area Mandatory Connection Bylaw, 2003 and amendments is repealed.

Introduced and read a first time the 11th day of December 2006.

Read a second time the 11th day of December 2006.

Read a third time the 11th day of December 2006.

Adopted on the 8th day of January 2007.

Janet Evans
Mayor

Evan Parliament
Chief Administrative Officer

SCHEDULE A

MUNICIPAL TICKET INFORMATION DESIGNATIONS

| Offence | Bylaw Section No. | Fine |
|---|--------------------------|-------------|
| Late connection | 3 | \$1,000.00 |
| Fail to remove or de-commission septic tank | 4 | \$100.00 |

SCHEDULE B

CAPITAL EXPANSION CHARGES

| | |
|------------------------------|---|
| Single Family Residential | \$2,800 per unit |
| Duplex Residential | \$2,800 per unit |
| Townhouse Residential | \$2,800 per unit |
| Apartment Residential | \$2,800 per unit |
| Mobile home Park Residential | \$2,800 per unit |
| Commercial and Industrial | \$20.79/m ² gross floor area |

(Schedule B added by Bylaw No. 374, September 8, 2008)