

# CITY OF KELOWNA

## BYLAW NO. 11540

### Sewer Connection Charge Bylaw

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WHEREAS the City of Kelowna has by bylaw provided for the establishment of a system of sewerage works for the collection, conveyance and disposal of sewage;

AND WHEREAS the City of Kelowna may by bylaw impose a fee or charge payable in respect of all or part of a service or regulatory scheme of the municipality, and the bylaw may base the fee or charge on any factor specified in the bylaw, establish different classes of property, and establish different fees or charges for different classes;

NOW THEREFORE the Council of the City of Kelowna in open meeting assembled enacts as follows:

#### 1.0 TITLE

1.1 This bylaw may be cited as the "Sewer Connection Charge Bylaw No. 11540".

#### 2.0 PURPOSE

2.1 The purpose of this bylaw is to impose a charge in respect of the installation by the City, or its agent for that purpose, of sewer trunk mains, sewer collector mains, and sewer service lines, to permit the owners of real property in the area to which the bylaw applies to connect to and use the sewage collection and treatment service of the City.

#### 3.0 DEFINITIONS

In this bylaw:

**BUILDING** means a temporary or permanent **structure** having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and/or equipment.

**CITY** means the City of Kelowna.

**SINGLE FAMILY EQUIVALENT** means a single residential dwelling unit that is not intended to be occupied by more than one family, or **buildings** or properties of various land use designations or zoning categories that have been calculated to be equivalent to a single dwelling unit by means of the table of **SINGLE FAMILY EQUIVALENT** (SFE's) shown in Schedule 1.

**OWNER** in respect of real property means the registered **owner** of an estate in fee simple, the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, the holder or occupier of land held in the manner referred to in the *Local Government Act*.

**PARCEL** means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

**STRUCTURE** means a construction of any kind, whether fixed to or supported by or sunk into land or water for any use requiring sewer connection.

#### **4.0 SCHEDULES**

4.1 The following schedules are attached to and form part of this bylaw:

Schedule "1" - Determination of Single Family Equivalent

Schedule "2" - Sewer Connection Charges

Schedule "3" - Sewer Connection Areas

#### **5.0 CONNECTION CHARGE**

5.1 All **owners** of real property located within a sewer service connection area as depicted in Schedule 3 must pay as a condition of connection to the **City** sewer system a connection charge for the **parcel** to be serviced in accordance with the sewer service connection charges set forth in Schedule 2, except that an **owner** who has installed a portion of the sewer trunk works on McCurdy Road pursuant to the terms of an agreement in writing with the **City** and paid an agreed portion of the cost of such works is not obliged to pay a connection charge in respect of the real property that is the subject of the agreement.

5.2 In the event that the actual cost of installing a connection from the sewer main to the property line exceeds the amount prescribed in 5.1, then the Owner or applicant must pay the whole of the actual costs of laying the connection pipe.

5.3 All **owners** of real property located outside of a sewer service connection area, but are in an area serviced by the **City's** sewer system, may apply for a sewer connection and, if authorized, must pay the whole of the actual cost of installing the connection from the sewer main to the property line.

#### **6.0 APPLICATION**

6.1 Any person wishing to apply for connection to the **City's** sewer system shall apply in writing by submitting an application to the City Development Services Department.

#### **7.0 TERMS OF PAYMENT**

7.1 All connection charges must be paid to the **City** prior to and as a condition of allowing the installation or usage of a sewer connection to a **parcel**, payable in accordance with the charges prescribed in Schedule 2.

#### **8.0 SINGLE FAMILY EQUIVALENT**

8.1 All sewer connection charges payable pursuant to the provisions of this bylaw have been calculated in accordance with the determination of the cost of installing sewer in each applicable area, and the number of **single family equivalents** for the area in which the real property is located according to the criteria listed in Schedule 2.

8.2 All sewer connection charges payable pursuant to this bylaw shall be paid in accordance with the charges payable per **single family equivalent** for the area in which the real property is located as determined by Schedule 3 attached to and forming part of this bylaw.

#### **9.0 RIGHT OF ENTRY**

9.1 The **City's** officers, employees and authorized agents may enter at all reasonable times on any real property that is subject to the regulations contained in this bylaw for the purpose of determining compliance with this bylaw.

9.2 No person shall interfere with or obstruct the entry of the **City's** officers, employees or authorized agents onto any real property or into any **building** or **structure** pursuant to the provisions of this bylaw.

**10.0 PROHIBITIONS**

10.1 No person shall contravene, cause, suffer or permit a contravention of this bylaw.

**11.0 OFFENCES AND PENALTIES**

11.1 Every **Person** who violates any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which constitutes an offence against the bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that the violation continues to exist, shall constitute a separate offence.

11.2 Every **Person** who commits an offence against this bylaw is liable on conviction, to a fine of up to \$10,000.00, or liable to a term of incarceration for a period of not more than 90 days, or both. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

**12.0 SEVERANCE**

12.1 If a section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this bylaw.

**13.0 REPEAL**

13.1 The City of Kelowna "Sewer Connection Charge Bylaw No. 8469" and all amendments thereto, are hereby repealed.

Read a first, second and third time by the Municipal Council this 16<sup>th</sup> day of April, 2018.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## SCHEDULE 1 DETERMINATION OF SINGLE FAMILY EQUIVALENT

1. SFE's calculated for a **building** or **parcel**, will be done on the basis that the minimum of any conversion will be one SFE, and any **building** or land area resulting in less than one SFE will be rounded up to one SFE. Conversions that result in greater than one SFE will be calculated to two decimal points, using standard algebraic rounding.

### BASIS FOR DETERMINING NUMBER OF SINGLE FAMILY EQUIVALENTS

DETERMINING THE NUMBER OF SINGLE FAMILY EQUIVALENTS	
BASIS: 1.0 single family residential unit equals 1.0 SINGLE FAMILY EQUIVALENTS (SFE)	
ZONING CATEGORY AS DETERMINED BY SECTION 1.3.1 OF ZONING BYLAW NO. 8000	FACTOR
Residential	Each <b>building</b> lot or residential unit equals 1.0 SFE. Each mobile home space or multi-family residential unit equals 0.70 SFE.
Commercial	The first 2,600 square feet of floor area or portion thereof equals 1 SFE. Thereafter 1/2600 SFE per square foot of floor area.
Industrial	The first .36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land.
Public and Institutional	For the first 2,600 square feet of floor area or portion thereof equals 1 SFE. Thereafter 1/2600 SFE per square foot of floor area. For schools, 50 elementary students equals 1 SFE and 35 middle or senior students equals 1 SFE.

NOTE: Developed Land means that portion or area of a lot containing any improvements for the accommodation of a **structure**, storage, parking, landscaping or any entity, thing or device to facilitate the permitted use. Landscaped areas are exempt from charges in industrial land use designations only.

**SCHEDULE 2**  
**SEWER CONNECTION CHARGES**

Area No.	Connection Area	Remaining SFE	Estimated Remaining Costs to be Paid or Recovered	Charge per SFE (If Pre-Paid)
16	Rio/Terrace	55	\$569,000	\$10,300
22	Central Rutland	567	\$8,269,000	\$14,600
25	St Amand/Chamberlain	55	\$656,000	\$11,900
27	Hall Road	400	\$12,738,000	\$31,800
31	Boppart	12	\$165,000	\$13,800
32	North End Industrial	1480	\$3,850,000	\$2,600
35	Sexsmith/Appaloosa	55	\$731,000	\$13,300
37-1	Clifton Road North - Connector 1	28	\$178,000	\$6,400
37-2	Clifton Road North - Connector 2	26	\$100,000	\$3,900
37-3	Clifton Road North - Connector 3	10	\$122,000	\$12,200
38	Crawford	480	\$13,018,000	\$27,100

SCHEDULE 3 - SEWER CONNECTION AREAS



































