

CITY OF KELOWNA

BYLAW NO. 12343

Sewer Connection Area Prioritization Bylaw

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 has established by bylaw the Septic Removal Specified Area Reserve Fund only to be used for the design and construction of **sewer connection areas** identified in this bylaw;

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

1.0 TITLE

This bylaw may be cited as the "Sewer Connection Area Prioritization Bylaw No. 12343".

2.0 PURPOSE

This bylaw is in place to provide both procedure and acceleration toward eliminating **septic systems** and improving water quality in Okanagan Lake and other water resources within the City of Kelowna limits, and establishes a prioritized sequencing of funding, design, and construction of **sewer connection area** projects.

3.0 DEFINITIONS

In this bylaw:

City means the City of Kelowna.

City Engineer: means as defined in the Subdivision, Development and Servicing Bylaw No. 7900.

Connection(s) means the physical piped connection from **property** line to the public sewer main.

Development means any additional residential units or commercial, industrial, or institutional space on any **property** within a **sewer connection area**.

Owner(s) 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 *Community Charter*.

Property(ies) means any real **property**.

Septic System means a privately-owned, on-site wastewater disposal system. **Septic systems** are wholly regulated by the Province of British Columbia.

Sewer Connection Area means a collection of **properties** currently serviced by private, on-site **septic systems** with no fronting public sewer mains. Each **sewer connection area** is to be serviced by a communal system to achieve connection to the **City's** public sewer system.

4.0 SCHEDULES

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

Schedule "1" – Prioritization of **Sewer Connection Area** Projects

Schedule "2" - **Sewer Connection Area** Maps

5.0 REGULATIONS

5.1 All **owners** of **property** located outside of a **sewer connection area** but 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, plus any applicable charges.

6.0 PRIVATELY CONSTRUCTED WORKS

6.1 New **development** within a **sewer connection area**:

- a) must connect directly to the **City's** sanitary sewer system;
 - b) is responsible for the design and construction of fronting works, mainline components, facilities, and power supply (where necessary), and sewer **connections** to serviceable **properties**.
- 6.2 Sewer **connections** installed by developers to serviceable **properties**, other than the **property** being developed, will be eligible for remuneration for services installed, up to an upset cost equivalent to the respective sewer development charge outlined in section 3.(1)(c) of the Sewerage System User Bylaw No. 3480, as amended or replaced from time to time.
- 6.3 Any proposed **sewer connection area** designs must show that servicing to all **properties** within the **sewer connection area** can be achieved as intended (see clause o), including compliance with Subdivision, Development & Servicing Bylaw No. 7900, as amended or replaced from time to time.
- 6.4 Where servicing via gravity sewer can be achieved reasonably, no pressurized systems or service **connections** will be considered.
- 6.5 Any person wishing to bring forward a **sewer connection area** project in advance of the prioritization sequence noted in Schedule 1 shall apply in writing by submitting an application to the **City Engineer**. The application shall outline the proposed funding mechanism (e.g., latecomer, local area service, contribution of funds or installed works) and a business case for proceeding. Authority to approve such applications is delegated to the **City Engineer**.
- 6.6 Any person wishing to advance works within a **sewer connection area** will not be able to leverage the Septic Removal Specified Area Reserve funds (see Bylaw No. 12316) or the respective **sewer connection area** reserve for any elements not identified as excess and extended unless a strong business case can be made and approved by the **City Engineer**. Upon approval of the proposed works by the **City Engineer**, the Local Area Service and Latecomer processes made available under Provincial Legislation will be available.
- 6.7 Excess and extended services for latecomers will be determined based on the procedures outlined in Part 6 of the Subdivision, Development & Servicing Bylaw No. 7900, as amended or replaced from time to time.
- 6.8 Should it be determined that a proposed **development** will trigger additional upgrades to any planned or installed sanitary sewer system, the **development** will be entirely responsible for the cost of upgrades, in addition to any applicable charges.
- 6.9 Should a proposed **development** outside of an established **sewer connection area** result in sanitary sewer servicing from within a **sewer connection area**, all relevant clauses of this bylaw shall apply.

7.0 PROHIBITIONS

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

8.0 OFFENCES AND PENALTIES

- 8.1 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.
- 8.2 Every person who commits an offence against this bylaw is liable on conviction, to a fine of up to \$10,000. 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.

9.0 SEVERANCE

- 9.1 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.

10.0 REPEAL

- 10.1 The City of Kelowna "Sewer Connection Charge Bylaw No. 11540" and all amendments thereto, are hereby repealed.

Read a first, second and third time by the Municipal Council this 21st day of March, 2022.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE 1 - PRIORITIZATION OF SEWER CONNECTION AREA PROJECTS

1. Should alternative funding sources become available via grant opportunities, coordination with **development**, or any other source, sequencing of the prioritization list below can be changed. The table below will be updated periodically to reflect current economic conditions.
2. Project selection, sequencing, and prioritization is ultimately at the discretion of the **City Engineer** but shall generally follow the sequencing outlined below.

Table 1: Prioritization table of sanitary sewer connection areas

Rank/Sequence	Area No.	Connection Area
1	22	Central Rutland
2	16	Rio/Terrace
3	25.1	St Amand
4	25.2	Chamberlain
5	35	Sexsmith/Appaloosa
6	28.5	Belcarra
7	28.1	Sterling Park
8	27	Hall Road
9	38.2	Crawford
10	28.6	Braeloch-Lakeshore Rd
11	38.1	Mission Ridge Rd
12	28.3	Curlew Drive - East
13	28.9	Viewcrest
14	28.4	Stellar Drive
15	28.7	Lower Braeloch
16	28.10	Tanager Ct
17	31	Boppart
18	28.2	Curlew Drive - West
19	28.8	Lakeshore Rd

SCHEDULE 2 – CONNECTION AREA MAPS















