

**CONSOLIDATED**

**Sewer Utility Bylaw No. 1600, 2016**

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***List of Amendments***

***Consolidated for Convenience Only***

This Bylaw has been consolidated as of March 7, 2023 for convenience only. Where applicable, capitalization, numerical order, and numbering have been altered for consistency. Copies of the original Bylaw and amendments may be viewed at the Langford City Hall located on the Second Floor, 877 Goldstream Avenue, Langford, BC.

Consolidated to:

<b>Amendment</b>	<b>Bylaw Number</b>	<b>Date Adopted</b>
Amendment #1, 2016 (Lakefront Connections)	1637	May 16, 2016
Amendment #2, 2019	1835	March 18, 2019
Amendment #3, 2020	1881	January 6, 2020
Amendment #4, 2020	1942	December 7, 2020
Amendment #5, 2022 – replacing Schedule B	2036	February 22, 2022
Amendment #6, 2023 – replacing Schedule B	2113	March 6, 2023

**CITY OF LANGFORD**

**BYLAW NO. 1600**

**A bylaw to continue the sanitary sewer service and to require and regulate the use of the service**

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WHEREAS the British Columbia Building Code requires that every building that generates sewage be provided with a means of sewage disposal; and

WHEREAS the City has established a sanitary sewage collection system and participates in a regional sewage collection and disposal service; and

WHEREAS the City has entered into a franchise agreement with West Shore Environmental Services Inc. under which West Shore provides the sewer collection service and operates the sewage collection system in the City;

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

**Part 1 – Interpretation**

1. In this bylaw,

**LICO means the low-income threshold cut-off as published by Statistics Canada**

**Plumbing Fixture** includes a toilet, sink, basin, bathtub, shower, bidet, urinal or other plumbing system component that produces sewage.

**Prime Rate** means the rate of interest declared from time to time by the main branch in of the Bank of Montreal in Vancouver, British Columbia as the annual rate of interest used by such bank as its reference rate in setting interest rates for commercial loans of Canadian dollars in Canada and commonly referred to by such bank as its “prime rate”.

**Private Service Pipe** means the pipe that connects the plumbing system of a building to a Sewer Service Pipe, generally at or near a parcel boundary.

**Sewer Agreement** means the Sewer Utility Agreement among the City, West Shore and Terasen Utility Services Inc. dated for reference September 20, 2004, as amended by the parties from time to time.

**Sewer Main Completion Date** means the date on which the Municipal Engineer determines that a sewer main has been constructed and commissioned such that it is capable of receiving and conveying sewage.

**Sewer Service Pipe** means a pipe and related fittings connecting a Private Service Pipe to a sanitary sewer main, generally installed in a highway or statutory right of way area.

**Sewer Serviced Parcel** means any parcel of land, including common property in a strata plan, that has frontage on a sanitary sewer main, and for this purpose a parcel is deemed to have frontage on a sanitary sewer main if a sanitary sewer main has been constructed in a highway or statutory right of way area that abuts any boundary of the parcel or, in the case of a bare land strata lot, abuts common property in the strata plan.

**Sewerage System Regulation** means B.C. Reg. 326/2004 under the *Public Health Act*.

**West Shore** means West Shore Environmental Services Inc. and any approved assignee of its rights and obligations under the Sewer Agreement.

2. References in this bylaw to the Municipal Engineer include the person appointed to that position by the Council, any person authorized by the Municipal Engineer to perform duties with respect to this bylaw, and in the definition of Sewer Main Completion Date and in Sections 7, 9, 12, 15, 17, 19, 20, 22 and 23 of this bylaw, employees of West Shore performing its obligations and exercising its rights under the Sewer Agreement.

#### **Part 2 – Sanitary Sewer Service**

3. The sanitary sewer service established by Sanitary Sewer Utility Bylaw No. 125, 1995 is continued.

#### **Part 3 – Connection and Disconnection**

4. The owner of every parcel abutting Florence Lake, Glen Lake and Langford Lake and abutting a highway or statutory right of way in which a sanitary sewer main is installed must, within one year of either receiving the letter of completion of construction of the sewer main or the final adoption of this bylaw whichever occurs later, connect any building or structure on the parcel from which sanitary sewage is generated to the sewer main by means of a private service pipe and a sewer service pipe, in the manner prescribed by this bylaw. **(Bylaw No. 1637, Amendment No. 1, 2016)**
5. Every owner of a Sewer Serviced Parcel on which is located a building or structure that generates sewage, and every strata corporation whose common property is a Sewer Serviced Parcel, must connect the parcel to the sanitary sewer main by means of a Private Service Pipe and a Sewer Service Pipe and connect all Plumbing Fixtures on the parcel to the Private Service Pipe, by the later of:
  - (a) the date that is the one-year anniversary of the Sewer Main Completion Date for the sanitary sewer main on which the parcel or common property has frontage; and
  - (b) December 31, 2019.
6. The installation of Private Service Pipes must be authorized by a building permit or plumbing permit issued under Building Bylaw No. 1160, 2008.

7. The Municipal Engineer may provide written notice to any owner of a Sewer Serviced Parcel to whom Section 5 applies, specifying the date by which the connection must be made.
8. Section 5 does not apply to a parcel on which a Type 3 sewage treatment system complying with the Sewerage System Regulation was installed within the 5-year period preceding the Sewer Main Completion Date, provided that
  - (a) the sewage treatment system services all buildings on the parcel that generate sewage;
  - (b) the system has been inspected by a professional engineer, the engineer has certified in writing that the system is functioning in accordance with the Sewerage System Regulation, and the Municipal Engineer has been given a copy of the certification and satisfactory evidence as to the date of completion of the system;
  - (c) in the case of a parcel abutting Florence Lake, the lowest ground surface within the disposal field is above 78.35 m GSC datum and the disposal field is at least 15 m from the lake;
  - (d) in the case of a parcel abutting Langford Lake, the lowest ground surface within the disposal field is above 66.00 m GSC datum and the disposal field is at least 15 m from the lake;
  - (e) in the case of a parcel abutting Glen Lake, the lowest ground surface within the disposal field is above 65.10 m GSC datum and the disposal field is at least 15 m from the lake; and
  - (f) a sewer connection is made in accordance with Section 5 within 5 years of completion of the parcel's sewage treatment system.
9. An owner of a Sewer Serviced Parcel must apply to the Municipal Engineer in writing for a connection to the sanitary sewer system.
10. In the case of a strata corporation, an application for a single connection for the strata plan must be made by the strata corporation, provided that the owner of a strata lot that is a Sewer Serviced Parcel may make an individual application for service if the strata corporation has consented in writing to the direct connection of that strata lot to the sanitary sewer system.
11. The owner's application must include the civic address of the parcel and the owner's name and postal address, must in the case of a new connection specify the proposed location and elevation of the Sewer Service Pipe at the parcel boundary and the proposed size of the Sewer Service Pipe, must be signed by the owner or a person authorized in writing by the owner to make the application, and must be accompanied by any applicable connection fee.
12. The location, elevation and size of the Sewer Service Pipe shall be at the discretion of the Municipal Engineer.
13. If a parcel has frontage on more than one sanitary sewer main, the Municipal Engineer shall determine which of the mains shall accommodate the connection.
14. In the case of a sewer service connection for a building that is the subject of a building permit application, the application for service must be made prior to the issuance of the plumbing permit.

15. Where an application for connection to the sanitary sewer system is made, an existing Sewer Service Pipe provides service to the parcel that the Municipal Engineer determines to be adequate, and the owner does not wish to use the existing pipe, the owner must pay the cost to remove the existing pipe and install a new Sewer Service Pipe in addition to any applicable connection fee.
16. An owner of a Sewer Serviced Parcel that has potential to be developed with multiple buildings may apply for multiple connections, provided that any applicable fees are paid for each connection.
17. The Municipal Engineer shall install a Sewer Service Pipe within 30 days of receipt of the application for connection and payment of the connection fee.
18. Sewer Service Pipes shall comply with the standards for such works set out in Subdivision and Development Servicing Bylaw No. 1000.
19. In the case of a Sewer Serviced Parcel that cannot be provided with gravity sewer service, the Municipal Engineer may require the owner to provide sewage pumping equipment specified by the Municipal Engineer, provided that an owner may propose alternative equipment certified in writing by a professional engineer to be capable of equivalent or better performance. The Municipal Engineer may, but is not obliged to, approve the installation and use of such alternative equipment.
20. The Municipal Engineer may require the owner to install and maintain sewage metering equipment for the purposes of a volumetric user fee in respect of a Sewer Serviced Parcel to which water is supplied other than by the Capital Regional District, and may permit the owner of any parcel to arrange water metering equipment so as to record separately water that is not discharged to a sanitary sewer main from the premises, and for which a sewer user fee is accordingly not payable.
21. Within 30 days of the completion of a sewer connection, the owner of the parcel shall remove or pump out any existing septic tank on the parcel and in the case of a septic tank not removed, provide a hole at least 300 mm in diameter in the bottom of the tank and fill with sand or gravel to the satisfaction of the Municipal Engineer. The septic tank contents shall be disposed of in a lawful manner. A copy of the pump-out receipt and as-built drawings shall be submitted to the City before final approval is granted.
22. An owner of a parcel that is connected to the sanitary sewer system may apply to the Municipal Engineer in writing for disconnection of the service for the purpose of demolishing a building, and upon payment of any applicable fee and confirmation that a demolition permit has been issued, the Municipal Engineer shall disconnect the sanitary sewer service.

23. No person shall demolish any building that contains a plumbing fixture, is connected to the sanitary sewer system and is the only building on the parcel that is connected to the Sewer Service Pipe, unless the Municipal Engineer has disconnected the sewer service and capped the Sewer Service Pipe.

**Part 4 – Fees and Charges**

24. Every authorized person who discharges septage to the sanitary sewer service shall pay to the City the volumetric fees set out in Schedule A.
25. Sewer user fees imposed under section 24 are subject to a penalty of 5% if paid after the due date specified in the City's invoice, and 10% if paid more than 30 days after the due date.
26. All payments of sewer user fees imposed under section 24 will be applied first on account of arrears, and secondly on account of any current balance owing.
27. West Shore may impose sewer connection fees, sewer capital recovery fees, incremental storage improvement fees and sewer user fees in accordance with the Sewer Agreement.
28. There are hereby imposed in respect of each parcel of land to which sewer service is provided in accordance with the Sewer Agreement a sewer capital recovery fee, sewer connection fee, an incremental storage improvement fee and a sewer user fee, in the dollar amounts specified in Schedule B to this bylaw for the calendar year in which the fee is imposed.
29. Section 28 does not apply in respect of sewer capital recovery fees and incremental storage improvement fees imposed under Sewer Capital Recovery Fee Bylaw No. 1100, 2007.
30. The fees imposed under Section 28 shall be payable to the City only in the event that equivalent fees have not been paid to West Shore by the owner or occupier from time to time of the land to which sewer service is provided.
31. Fees imposed under Section 28 and paid after the due date specified in West Shore's invoice bear interest at the rate of 2% per month, compounded monthly.
32. Fees imposed under sections, 24, 28, 39 or 40 and unpaid at the end of the year in which they are due are deemed to be taxes in arrear and may be entered on the tax roll as such.
33. The owners of a Sewer Serviced Parcel that is required under this bylaw to be connected to the sanitary sewer main may make an application to the City in the form attached to this bylaw as Schedule C requesting that they be exempt from paying the fees and exempt from connecting to the sewer main for a period of 5 years. An application under this section must be made no more than 6 months and no less than 1 month before the date on which the connection to the sanitary sewer main is to be made and must be signed by all registered owners of the parcel.

34. The Director of Finance shall approve an application under section 33 if the Director is satisfied that the Sewer Serviced Parcel is the owners primary residence, and that the household income, including rental income, is below the LICO plus \$5,000. For this purpose, the Director of Finance may require the owners to provide such evidence as the Director considers necessary in his or her sole discretion to make that determination.
35. If an exemption under section 33 is approved, after the five-year exemption period the owners may reapply under section 36.
36. The owners of a Sewer Serviced Parcel that is required under this bylaw to be connected to a sanitary sewer main may make an application to the City in the form attached to this bylaw as Schedule D requesting that the City pay to West Shore in respect of the parcel the sewer capital recovery fees or sewer connection fees, or both, payable to West Shore upon connection of the parcel to the sanitary sewer main. An application under this section must be made no more than 6 months and no less than 1 month before the date on which the connection to the sanitary sewer main is to be made and must be signed by all registered owners of the parcel.
37. The Director of Finance shall approve an application under section 36 if the Director is satisfied that:
- a. TD Canada Trust is unwilling to provide to the owners of the Sewer Serviced Parcel a secured or unsecured loan in the amount of the fees to which the owners' application under section 36 relates; and,
  - b. the Sewer Serviced Parcel is the primary residence of the owner, and that the household income, including rental income, is between the LICO plus \$5,000 and double the LICO.
- For this purpose, the Director of Finance may require the owners to provide such evidence as the Director considers necessary in his or her sole discretion to make that determination.
38. No owner of a parcel identified in the Sewer Capital Recovery Fee Bylaw No. 1100, 2007 may make an application under section 33 or 36.
39. Where the Director of Finance approves an application pursuant to section 37 to have the City pay sewer capital recovery fees in respect of a parcel to West Shore, then, after the City pays those fees to West Shore, sewer capital recovery instalment fees payable to the City in the following amounts are imposed on the owners of the Sewer Serviced Parcel for each of the 10 years beginning in the year the City pays the sewer capital recovery fees to West Shore:
- a. 1/10th of the sewer capital recovery fee paid by the City to West Shore, plus
  - b. simple interest equal to 2% in excess of the Prime Rate as of January 1 of each year that the sewer capital recovery instalment fee is payable calculated on the amount equal to the sewer capital recovery fee paid by the City to West Shore less the cumulative amount of money

paid by the owners to the City under paragraph (a), with that interest calculated from the date of connection of such parcel to the sanitary sewer main to December 31 of the year in which the sewer capital recovery instalment fee is payable.

40. Where the Director of Finance approves an application pursuant to section 37 to have the City pay sewer connection fees in respect of a Sewer Served Parcel to West Shore, then, after the City pays those fees to West Shore, a sewer connection instalment fee payable to the City in the following amount is imposed on the owners of the parcel for each of the 10 years beginning with the year the City pays the sewer connection fees to West Shore:

- a. 1/10th of the sewer connection fees paid by the City to West Shore, plus
- b. simple interest equal to 2% in excess of the Prime Rate as of January 1 of each year that the sewer connection instalment fee is payable calculated on the amount equal to the sewer connection fee paid by the City to West Shore less the cumulative amount of money paid by the owners to the City under paragraph (a) with that interest calculated from the date of connection of such parcel to the sanitary sewer main to December 31 of the year in which the sewer connection instalment fee is payable.

41. Fees imposed by the City under section 38 or 39 are due and payable by December 31 of the year for which the fees are imposed.

#### **Part 5 – Use of the Sanitary Sewer System**

42. Every owner of a parcel that is connected to the sanitary sewer system shall maintain their Private Service Pipe in proper condition and free from leakage.

43. No person shall connect any perimeter drain, storm drain or other works that do not carry sewage, to any Private Service Pipe or Sewer Service Pipe, or connect any Plumbing Fixture or Private Service Pipe to any storm drain or storm sewer.

44. No person shall connect a Plumbing Fixture to a Private Service Pipe on a parcel other than the parcel on which the plumbing fixture is located, unless the Plumbing Fixture is in an air space parcel or a strata lot.

45. No person shall connect any Private Service Pipe to a Sewer Service Pipe without having made an application to do so under this bylaw and paying any applicable connection fee.

46. No person shall tamper with or interfere with the operation of the sanitary sewer system.

#### **Part 6 – Enforcement**

47. The Municipal Engineer may require an owner, in writing except in the case of an imminent threat to public health or the environment, to maintain or repair their Private Service Pipe or correct a



connection that has been made in contravention of Section 33 or 34, and the owner shall perform the work within the time specified by the Engineer.

48. The Municipal Engineer and employees of West Shore wearing suitable, visible identification may enter on an owner's land to determine whether the requirements of this Bylaw are being met and to monitor sewage metering equipment on the land.
49. If an owner fails to connect a Sewer Serviced Parcel to the sanitary sewer system as required by this Bylaw, or fails to perform work required under Section 37, the Municipal Engineer may enter on the owner's land to perform the work at the cost of the owner.
50. No person shall obstruct an entry made under Section 38 or 39 of this bylaw.
51. Every person who commits an offence against this bylaw shall, upon summary conviction, be subject to a maximum fine of \$10,000.
52. Every person who commits an offence of a continuing nature against this bylaw shall be subject to a maximum fine of \$10,000 for each day such offence continues.

**Part 7 – Repeal and Short Title**

53. The following bylaws are repealed:

- (a) Sanitary Sewer Utility Bylaw No. 125, 1995.
- (b) District of Langford Sanitary Sewer User Charge Bylaw No. 351, 1999.

54. This Bylaw may be cited as "Sewer Utility Bylaw No. 1600, 2016".

55. The provisions of this bylaw are severable. If any provision is held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 1<sup>st</sup> day of February, 2016.

READ A SECOND TIME this 1<sup>st</sup> day of February, 2016.

READ A THIRD TIME this 1<sup>st</sup> day of February, 2016.

ADOPTED this 15<sup>th</sup> day of February, 2016.

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MAYOR

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(Certified Correct)

CORPORATE OFFICER

**Includes Amending Bylaws: 1637 and 1835**

**SCHEDULE A**

<b>Volume of Discharge (imperial gallons)</b>	<b>Fee per gallon</b>
Up to 13 million in any calendar year	\$0.005
In excess of 13 million in any calendar year	\$0.010
Environmental Levy Fee Per Annum	\$5000.00

**SCHEDULE B (Fee amounts in dollars)**

<b>Fee Type</b>	<b>Unit of Measure</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Sewer connection fee	Per inch of service pipe diameter	1500	1500	1500	1500	1500	1500	1500	1500	1500
Sewer capital recovery fee	Per R2 equivalent lot	9154	9426	9706	9994	10291	10497	10654	10654	10654
Incremental storage improvement fee	Per SCRF assessed	495	495	495	495	495	495	495	495	495
Sewer user fee	Per m <sup>3</sup> of water consumption	0.486	0.650	0.814	1.002	1.199	1.223	1.241	1.298	1.376

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**SCHEDULE C**

**Sewer Fees (Instalment Payment) Application**

I (we) make application as the registered owner(s) of the parcel located at civic address \_\_\_\_\_ (the "Property") to have a five year exemption from payment of fees and physical connection.

I (we) confirm that I (we) reside at the above mentioned property as our primary residence and that we have a household income, including rental income, of below:

- a. the low income cut-off threshold as published by Statistics Canada ("LICO") plus \$5,000.
- I (we) acknowledge that if my(our) application is approved by the City, we will be exempt from paying fees to Westshore Environmental and Physical connection to the Sewer System and that if during the five year exemption period we connect to the system, the exemption of fees is terminated and we will be required to pay all applicable fees. I (we) acknowledge that after the five year exemption period we will be required to connect to the sewer system and pay all applicable fees.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant (please print)

All registered owners of the property must sign

**SCHEDULE D**

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**Sewer Fees (Instalment Payment) Application**

I (we) make application as the registered owner(s) of the parcel located at civic address \_\_\_\_\_ (the "Property") to have the City pay on my (our) behalf as the owner(s) of the Property the following fees that are payable to West Shore Environmental Services Inc. to connect the Property to the sanitary sewer main (check all that apply):

sewer capital recovery fees of \$\_\_\_\_\_ (insert amount)

sewer connection fees of \$\_\_\_\_\_ (insert amount)

I (we) confirm that I (we) have been unable to obtain a secured or unsecured loan from TD Canada Trust in the amount of the fees to which this application relates.

I (we) confirm that I (we) reside at the above-mentioned property as our primary residence and that we have a household income, including rental income, of between:

- a. the low income cut-off schedule as published by Statistics Canada ("LICO") plus \$5,000; and,
- b. Double the LICO.

I (we) acknowledge that if my (our) application is approved by the City, annual fees for a period of 10 years will be imposed by the City to recover with interest (at the rate specified by bylaw) the amount the City pays to West Shore Environmental Services Inc. on my (our) behalf and that such fees may be added to the municipal taxes for the Property as taxes in arrear and collected as such if not paid by December 31 of each year in which they are due.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant (please print)

All registered owners of the property must sign