

**Capital Expenditure Charge
Bylaw No. 226 - 2009**

COWICHAN BAY WATERWORKS DISTRICT

BYLAW NO. 226

A bylaw to fix a charge for Capital Expenditures on parcels of land and to provide for the time and manner of payment.

WHEREAS pursuant to Section 746(1)(f) of the *Local Government Act* the Trustees may, by bylaw, fix capital expenditure charges under the terms and conditions as set out in the bylaw;

AND WHEREAS the capital expenditure charges may be established for the purpose of providing funds to the District to pay the capital cost of providing, constructing, altering, maintaining, repairing or expanding water facilities in order to service directly or indirectly the development in respect to which the charges are fixed;

AND WHEREAS in the opinion of the Trustees the charges established by this bylaw are related to capital costs attributable to projects identified in the capital expenditure program of the District.

The Trustees of the Cowichan Bay Waterworks District ENACT AS FOLLOWS:

1. In addition to other charges applicable under other bylaws of the District, every person who develops land must pay the applicable capital expenditure charge as set out in Schedule "A" attached to and forming part of this bylaw.
2. Every person who obtains:
 - a) approval of subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act*; or,
 - b) approval of application for servicewill pay at the time of the approval of the subdivision or the approval of the application for service, as the case may be, to the Cowichan Bay Waterworks District the applicable capital expenditure charges as set out in Schedule "A" attached to and forming part of this bylaw.
3.
 - a) Every applicant for inclusion of their property in the District and/or for the extension of the District's works to service that property, must install at their own expense and at no cost to the District, and under the supervision of the Trustees of the District or their representatives, all water mains, fire hydrants, meters and other fittings and appurtenances deemed necessary by the Trustees to provide an adequate supply of water for domestic, commercial and fire protection use as is necessary for immediate requirements and for the future growth or expansion of the system.
 - b) In order to ensure the continued adequate provision of water within the District, the Trustees may require applicants for inclusion of their property into the District to provide an appropriate source, quantity and quality of water to the District.
 - c) The Trustees may allow the applicant to offset the capital expenditure charges described in Schedule "A", in whole or in part, by the provision of labour and material which satisfy the requirements of sections 3(a) and 3(b).

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4. In fixing capital expenditure charges by this bylaw, the Trustees have taken into consideration future land use patterns and development and the phasing of works and services and whether the charges:
 - a) are excessive in relation to the capital cost of prevailing standards of service in the District; or,
 - b) will deter development in the District; or,
 - c) will discourage the provision of reasonably priced serviced land in the District.

5. All sums of money collected under this bylaw must be deposited in a special reserve fund separate from all other funds of the District. The District must use money deposited in the reserve fund plus all interest or earnings thereon for the purposes for which it was deposited, namely to:
 - a) pay the capital costs of providing, constructing, altering or expanding water facilities included in the capital expenditure program on which the charge was based, in order to serve directly or indirectly, the development in respect to which the charge was collected; or,
 - b) pay principle and interest on a debt incurred by the District as a result of an expenditure referred to in section 5 (a).

6. A capital expenditure charge is not payable where a capital expenditure charge has previously been paid for the same development, unless as a result of further development new capital cost burdens will be imposed on the District.

7. Monies must be disbursed by bylaw passed by the Trustees and approved by the Inspector Of Municipalities.

8. Bylaw No. 214, the "Comprehensive Capital Expenditure Charge (Water) Bylaw 2008", is hereby repealed.

9. This bylaw may be cited as the "Comprehensive Capital Expenditure Charge (Water) Bylaw 2009".

INTRODUCED and given first reading by the Trustees on the 26th day of August 2009.

RECONSIDERED and finally passed by the Trustees on the 26th day of August 2009.

Chairman, Board of Trustees

District Administrator

I hereby certify under the SEAL OF THE DISTRICT that this is a true copy of Bylaw No. 226 of the COWICHAN BAY WATERWORKS DISTRICT passed on the 26th day of August 2009.

District Administrator

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SCHEDULE "A"

BYLAW NO. 226

CAPITAL EXPENDITURE CHARGES (WATER FACILITIES)

Land Use Basis of Assessment Charge

A. Residential

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|---|------------|
| 1) Each parcel of land for a connection to the waterworks | \$4,000.00 |
| 2) Each duplex unit consisting of 2 units per lot | \$8,000.00 |
| 3) Each and every newly developed lot in a subdivision | \$4,000.00 |
| 4) Each and every mobile home pad or space built or provided for in a mobile home court | \$2,700.00 |
| 5) Each and every unit in a proposed multiple occupancy building | \$2,700.00 |
| 6) Each and every suite not contained within the primary dwelling | \$1,300.00 |
| 7) Each and every dwelling (including separate residence, cottage or trailer), not including the primary dwelling, on a parcel of land connected to the Waterworks, in accordance with the Bylaws of the Water District | \$4,000.00 |

B. Commercial / Institutional / Industrial

- | | |
|---|---------|
| Per square meter of building gross floor space created (including mechanical, utility and common areas) | \$20.00 |
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