

Subdivision Water Regulation Bylaw No. 323 - 2020

COWICHAN BAY WATERWORKS DISTRICT

BYLAW NO. 323

A bylaw regulating the subdivision of land that is being proposed for connection to the Improvement District's water system.

The Trustees of Cowichan Bay Waterworks District ENACT AS FOLLOWS:

INTERPRETATION

1. In this bylaw:

- (1) "Applicant" means the owner of the property, or the authorized agent of the owner, who has submitted a completed application for the subdivision of land to which water may be supplied by the District.
- (2) "District" means the Cowichan Bay Waterworks District.
- (3) "Subdivision" means a subdivision as defined in the *Land Title Act* or the *Strata Property Act*.
- (4) "Standards" means the District's water system construction and design standards attached as Schedule B to this bylaw.
- (5) "District's System" means the water distribution system including all works owned and operated by the District.
- (6) "Trustees" mean the trustees for the District.
- (7) "Works" means any structures, including pipes, and all attachments, fittings, and facilities for the storage, supply, conveyance, treatment and distribution of water.

OTHER ENACTMENTS

2. Nothing contained in this bylaw will relieve any person from responsibility for seeking out and complying with other enactments applicable to their undertaking.

GENERAL PROHIBITION

3. Land that is connected to the District's System, or is proposed for connection to the District's system, will not be subdivided contrary to this bylaw.

APPLICATION

4. (1) An owner of land who proposes to subdivide land and wishes to connect one or more parcels to be created by the subdivision to the District's System must apply to the District by delivering to the District:
 - (a) the form prescribed as Schedule A to this bylaw.
 - (b) the plans and other information specified in Schedule A.
 - (c) a subdivision application fee of \$250.00 plus \$25.00 per lot.

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- (2) Every application for subdivision of land that will create a parcel to be connected to the District's System must include a calculation of the peak hourly water demand and pressure requirement for the ultimate development of the parcels and sufficient information, plans and drawings for the District to determine whether the proposed works comply with this bylaw.

GENERAL PROVISION

5. (1) The trustees may refuse to approve the proposed subdivision where:
 - (a) the proposed subdivision does not comply with the provision of this and other applicable bylaws of the District;
 - (b) one or more parcels to be created by the subdivision are to be connected to the District's System and the District has insufficient water supply to provide such parcels with a supply of water.
- (2) For the purpose of (1)(b), the demand that would be placed on the District's System as a result of the proposed subdivision will be calculated having reference to the peak hourly water demand and pressure requirement for the ultimate development of the parcels or provided under section 4(2).
- (3) Despite subsection (1), an application may be approved where the owner of the land provides to the District with a reasonable proposal to increase the supply capacity of the District's System so that it is capable of providing the parcels to be created by the subdivision with a sufficient supply of water and a supply that is of overall benefit to the District.

CONSTRUCTION OF WORKS WITHIN SUBDIVISION

6. (1) Subject to section 747.1(3) of the *Local Government Act*, an owner of land who proposes to subdivide the land must:
 - (a) provide, locate and construct a water distribution system within the subdivision; and
 - (b) connect the water distribution system to the District's System in accordance with the Standards.
- (2) The costs of providing, locating and constructing the water distribution system and connecting the water distribution system to the District's System must be paid completely by the owner of the land providing the Works.
- (3) The costs referred to in paragraph (2) include the cost of all permits, inspections, engineering costs and other costs related to the proposed subdivision.

CONSTRUCTION OF WORKS IN ADJACENT HIGHWAYS

7. In addition to the requirements of section 6, the Board of Trustees of the District may also, by resolution, require that an owner of land provide works and services in accordance with the Standards, on that portion of a highway immediately adjacent to the site being subdivided or developed up to the centre line of the highway, in accordance with section 747.1(4) of the *Local Government Act*.

CONSTRUCTION OF EXTENDED SERVICES

8. Where the Board of Trustees requires that an owner of land provide excess or extended services under section 747.2 of the *Local Government Act*, the District will determine the proportion of the cost of the extended or excess service which will be borne by the applicant in accordance with the *Local Government Act* and any policy regarding latecomer charges by the Board of Trustees.

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EXTENSION OF WORKS AND SERVICES

9. (1) All works required to be installed under section 6 must be installed along the full frontage of the land being subdivided or developed unless the lands beyond the land being subdivided or developed are incapable of further subdivision or development, as determined by the District.
- (2) For the purpose of subsection (1) lands are not incapable of further subdivision or development by reason only that an amendment to an enactment of a local government or the District would be necessary to permit further subdivision or development.

TRANSFER OF WORKS TO DISTRICT

10. (1) An owner of land who has installed works under this agreement must:
- (a) transfer the works to the District, and
 - (b) where any part of the works transferred to the District are located on lands owned by any person other than the District or within a highway, provide a statutory right of way agreement for the works in a form acceptable to the District, naming the District as transferee with priority over any financial encumbrances registered against the title to the land.
- (2) An owner who transfers works to the District must:
- (a) remedy all defects in the Works for one year following the date of the transfer; and
 - (b) deposit with the District an irrevocable standby letter of credit valid for at least one year from the date of the transfer in an amount not less than 20% of the cost of the Works as security for the performance of the owner's obligations under (a).

COPIES OF PERMITS

11. The owner required to install works under this bylaw must provide to the District a copy of the construction permit for the Works, issued by the Ministry of Health or Vancouver Island Health Authority, and the Ministry of Transportation.

CONNECTION CHARGES

12. No person may connect any parcel to the District's System without paying all applicable charges in accordance with the District's bylaws.

APPROVAL PERIOD

13. (1) Subject to the changes in an enactment which may affect a subdivision, approval of a subdivision under this bylaw will be valid for a period of six months. Extensions may be applied for at the discretion of the District.
- (2) An approval under this bylaw must not be interpreted as limiting the function or authority of the Approving Officer under section 87 of the *Land Title Act*.

VIOLATION

14. A person who does not act or suffers or permits any act to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing, which is required to be done by this bylaw, commits an offence.

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PENALTY

15. A person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the *Offence Act*.

SEVERABILITY

16. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this bylaw with the remaining portions of the bylaw remaining valid and of full force and effect.

INSPECTION AND RIGHT OF ACCESS

17. (1) The trustees, or an officer or employee of the District may enter at all reasonable times upon land subject to this bylaw, to ascertain whether the provisions of the bylaw are being obeyed, provided that:

- (a) consent to inspect the land is obtained from the owner or occupier of the land, or;
- (b) where such consent has been refused, written notice of the intent to inspect is given to the owner or occupier no less than 24 hours prior to the time of inspection.

(2) No person will obstruct or prevent a person referred to in paragraph (1) from carrying out any of the provisions of this bylaw.

REPEAL

18. Subdivision Water Regulation Bylaw No. 246 is repealed.

CITATION

19. This bylaw may be cited as the “Subdivision Water Regulation Bylaw No. 323 - 2020.

INTRODUCED and given first reading by the Trustees on the 17th day of September 2020.

RECONSIDERED and finally passed by the Trustees on the 17th day of September 2020.

Chairman, Board of Trustees

I hereby certify under the SEAL OF THE DISTRICT that this is a true copy of Bylaw No. 323 - 2020 of the COWICHAN BAY WATERWORKS DISTRICT passed on the 17th day of September 2020.

District Administrator

**COWICHAN BAY WATERWORKS DISTRICT
SUBDIVISION WATER REGULATION BYLAW NO. 323
SCHEDULE "A"**

APPLICATION FOR WATER SERVICES TO PROPOSED SUBDIVISION

Property Address(es):

Legal Description of Property(ies):

Legal Description of Property(ies):

Registered Owner(s):

Registered Owner(s):

Address (Correspondence/calls) to be directed to:

Phone: _____ Fax: _____ Email: _____

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

1. Copy of Indefeasible Title(s), dated within thirty days of the date of application.
2. A letter of authorization if the applicant is not the owner.
3. Plan of proposed subdivision with dimensions clearly illustrating lot layout, roads, etc, to a scale of not less than 1:2000. Four copies are required.
4. The layout sketch plan, in metric, shall be prepared by a consulting engineer, planner, or land surveyor and show the following:
 - The full legal description of the parcel(s) to be subdivided;
 - The dimensions and area of all proposed lots;
 - The arrangement of parcels and streets which will be created by the subdivision, including the widths of the opposed streets and alteration of lot lines or subdivision of any existing parcels;
 - The location of all existing buildings and structures on the property;
 - Existing property lines and highways to be eliminated by the proposed subdivision;
 - The location of all natural features and watercourses;
 - The relationship of the development to the neighbouring parcels and highways;
 - Intended use of each parcel to be created by the subdivision;
 - Topographic information where land affected by the application is steep, irregular, or otherwise difficult to appraise in respect of the proposed development;
 - A plan of the water system to service the subdivision designed in accordance with the District's Standards.
5. An application fee of \$250 plus \$25 per lot.
6. Evidence of approval or authorization from other agencies involved in the subdivision process.

**COWICHAN BAY WATERWORKS DISTRICT
SUBDIVISION WATER REGULATION BYLAW NO. 323
SCHEDULE "A"**

APPLICATION FOR WATER SERVICES TO PROPOSED SUBDIVISION

PLEASE NOTE THE FOLLOWING:

Personal information collected on this form is collected for the purpose of processing this application and for administration and enforcement of District bylaws related to subdivision. Proposed information or business information submitted on this form is not considered to be supplied in confidence.

The District, or their duly appointed representatives, are authorized to enter the property for inspection purposes.

Property owner(s) signature(s): _____

OR

Authorized agent's signature: _____

Date of Application: (D) _____ (M) _____ 20 _____

Approved this _____ day of _____, 20 _____

Authorized Signature

**COWICHAN BAY WATERWORKS DISTRICT
SUBDIVISION WATER REGULATION BYLAW NO. 323
SCHEDULE "B"**

CBWD Engineering Specifications and Standard Drawings