

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1504, 2000

A BYLAW TO ESTABLISH AND IMPOSE CHARGES FOR MUNICIPAL SEWER WORKS AND SERVICES

WHEREAS Section 8 of the Resort Municipality of Whistler Act, S.B.C. 1996, c. 407 as amended, empowers Council to establish charges to be imposed on land and improvements in the Resort Municipality of Whistler for municipal works and services and empowers the charges to be levied and collected by the Resort Municipality;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

Citation

1. This Bylaw may be cited as "Sewer Works Charges Bylaw No. 1504, 2000".

Interpretation

2. In this Bylaw:

"bed and breakfast" means the use of a detached dwelling as the residence of the operator of a business renting no more than three guest rooms and the use of common living and dining areas for the temporary lodging of paying guests;

"charging event" means each of the events specified in Section 5 of this Bylaw;

"Class A development" means the construction, extension or reconstruction of a single family dwelling or enclosed tennis court and the subdivision of land to create parcels which may be developed with single family dwellings;

"Class B development" means the construction, extension or reconstruction of a duplex dwelling and the subdivision of land to create parcels which may be developed with duplex dwellings;

"Class C development" means the construction, extension or reconstruction of a bed and breakfast, hostel or pension building;

"Class D development" means the construction, extension or reconstruction of a building which is not a Class A development, Class B development or Class C development;

"crawl space" means a portion of a building with a height between ceiling and floor of less than 1.5 metres, or of any height where a covenant pursuant to Section 219 of the Land Title Act has been registered to prohibit use of the space for any purpose;

"duplex dwelling" means a residential building consisting of two principal dwelling

units placed one above the other or attached side by side;

“dwelling unit” means a self-contained set of habitable rooms in a building, including not more than one set of cooking facilities;

“employee” means a natural person who is employed within the boundaries of the Municipality;

“employee bed unit” means sleeping rooms which are restricted to residential use by employees, under a housing agreement pursuant to Section 905 of the Local Government Act or a registered ground lease with the Municipality under Part 3 of the Condominium Act;

“extension”, in the case of Class A, Class B or Class C development, means the addition of floor space to a building;

(a) which adds 50% or more to the value of a building above its foundations; or

(b) which adds 50% or more to the value of a strata lot within a building;

determined in accordance with the assessed value of the building or the strata lot immediately prior to the addition, as established by British Columbia Assessment, but excludes an addition where 80% or more of the added floor space is within an auxiliary residential dwelling unit. “Extension”, in relation to Class D development, means any addition of floor space to a building, including a strata lot within a building;

“gross floor area” means the total area of all floors of the construction authorized by a building permit, measured to the outside surface of the exterior walls of the building, including stairwells, basements and cellars but excluding crawl spaces, parking areas, elevators, waste storage and recycling compounds and areas occupied by fixed machinery or equipment essential for building operation;

“hostel” means a building used as a temporary place of lodging containing one or more dormitories and includes common areas for washing, cooking, dining and socializing, bathroom, kitchen, dining and social facilities, and which may contain an auxiliary residential dwelling unit;

“Municipality” means the Resort Municipality of Whistler;

“Municipal sewer works and services” means all works and services related to the disposal of sewage by the Municipality and includes without limitation municipal sanitary sewers, storm drains, forcemains and sewage treatment facilities.;

“pension” means tourist accommodation which rents at least four guest rooms and not more than eight guest rooms and the use of common living and dining areas for the temporary lodging of paying guests;

“reconstruction” means the partial replacement of a building or strata unit within a

building to the extent of 50% or more of its value above its foundations or within the unit, as determined in accordance with the current assessed value of the building or unit established by British Columbia Assessment;

“Sewer Works Charge Bylaw” means this Bylaw, “Sewer Works Charge Bylaw No. 1189, 1996”, “Sewer Works Charge Bylaw No. 1148, 1995”, “Sewer Works Charge Bylaw No. 1117, 1995”, “Sewer Works Charge Bylaw No. 1074, 1994”, “Sewer Works Charge Bylaw No. 988, 1993”, “Sewer Works Charge Bylaw No. 931, 1992”, “Sewer Works Charge Bylaw No. 697, 1988”, “Sewer Works Charge Bylaw No. 679, 1988”; “Sewer Works Charge Bylaw No. 610, 1987”, “Sewer Works Charge Bylaw No. 575, 1987”, “Sewer Capital Contribution Bylaw No. 62.

Imposition of Charges

3. The Council of the Resort Municipality of Whistler hereby imposes, subject to Section 7, the charges for municipal sewer works and services set out in Schedule “A” to this Bylaw on all land and improvements in the Municipality.

Charging Events

4. The charges imposed by Section 3 shall be paid by the owner and collected by the Municipality each time the following charging events occur:
 - (a) approval is granted for subdivision of land zoned to allow Class A or Class B development, other than strata subdivision of a building under the Condominium Act;
 - (b) a building permit is issued for Class A, Class B, Class C or Class D development;
 - (c) two or more building permits are issued for a building within any three year period, which permits in combination authorize an extension or reconstruction under this Bylaw; or
 - (d) a connection to the municipal sewer system or a holding tank system is made to a parcel of land, in which case the charge shall be levied in respect of all development then existing on the land;
 - (e) a permit is issued authorizing installation of and/or connection to a sewage holding tank servicing the parcel in which case the charge shall be levied in respect of all development then existing on the land;
 - (f) over three (3) years have passed since an exemption from charges was allowed pursuant to paragraph 6(d) of this Bylaw and the units continue to be occupied.
5. Charges imposed pursuant to this Bylaw:

- (a) shall be collected notwithstanding that another charging event previously occurred and no charge or only part of a charge was collected at that time;
- (b) when payable upon subdivision shall be in respect of the total number of parcels in the proposed subdivision, and if the land to be subdivided is zoned to permit more than one class of development under this Bylaw, shall be based on the class yielding the highest payment unless a covenant under Section 219 of the Land Title Act is registered limiting development to a specified class; and
- (c) when based on gross floor area shall be confirmed as to amount, and adjusted as necessary, with reference to gross floor area actually constructed, added or reconstructed, prior to the issuance of an occupancy permit.

Exemptions from Charges

- 6. Notwithstanding any other provision of this Bylaw, no charges are payable pursuant to this Bylaw:
 - (a) in respect of development of land owned or controlled by the Municipality for non-residential purposes;
 - (b) in respect of any development undertaken directly by the Whistler Resort Association for the purposes of encouraging development, maintenance and operation of resort land pursuant to Section 14 of the Resort Municipality of Whistler Act, excluding any development for commercial purposes or for the purpose of producing revenue, directly or indirectly, from non-members of the Whistler Resort Association;
 - (c) when a charge under a Sewer Works Charge Bylaw has previously been collected for that parcel, to the extent of the development reflected in the previous charge;
 - (d) in respect of any development of residential accommodation units which are subject to restrictions, on title, requiring both occupation of the units by employees only and removal of the units, from the land, within three (3) years from the date that an occupancy permit is granted by the Municipal Building Department; or
 - (e) in respect of any development of real estate trailers that are approved, by the Municipality, for occupation for a limited time period (not to exceed one year) and where the Municipality holds security guaranteeing removal of the structure after the specified period of time.

Deferral of Charges

- 7. (a) Where the Municipality does not provide sewer service to a parcel, collection of charges under this Bylaw shall be deferred until such time as a connection to the municipal sewer line or holding tank system is made from the parcel or until a municipal sewer line which is available for use is located within twenty metres of any boundary of the parcel. The charge shall be at the prevailing rate

at the time of connection or potential connection, for all development then in existence on the parcel.

- (b) Payment of charges arising from the construction of employee bed units may be deferred for up to one year from the charging event, provided that the charges will become payable immediately upon the earlier of issuance of an occupancy permit or any transfer of title to the parcel.
- (c) Charges may only be deferred under this section if:
 - (i) an irrevocable, unconditional letter of credit issued by a Schedule A or Schedule B Canadian chartered bank in the full amount of the deferred charges is posted with the Municipality as security for payment of the charge; or
 - (ii) a non-refundable cash deposit is remitted to the Municipality in the amount of 100% of the charges payable, for which interest will be paid to the owner at Royal Bank prime rate less 2%
- (d) Charges which are deferred under this section shall be excluded from the total works and service charges for the purpose of installment payments under Section 8 of this Bylaw.

Installment Payments

8. Where the sum of all works and services charges imposed by the Municipality upon a charging event exceeds \$50,000.00 and a letter of credit in the amount of two-thirds of all charges owing is deposited with the Municipality, actual payment of charges imposed by this Bylaw may be made by installments, without interest, as follows:
- (a) an initial payment of 1/3 of the charge at the time of the charging event;
 - (b) payment of a further 1/3 of the charge within one year of the date of the initial payment; and
 - (c) payment of the remaining 1/3 of the charge within two years of the date of the initial payment;

provided that all unpaid charges shall be immediately due and payable and the letter of credit may be drawn down by the Municipality, on transfer of title to all or part of a parcel in respect of which the letter of credit has been deposited.

Non-Refundability

9. Under no circumstances shall any charges collected pursuant to this Bylaw be refunded. When an approved subdivision plan is not deposited or no construction is commenced pursuant to an approved building permit, charges collected shall be credited towards charges payable for that parcel on a future charging event.

Use of Charges

10. Charges collected under this Bylaw shall be deposited in a reserve account for municipal sewer works and services and shall be used for providing, constructing, altering, expanding or replacing municipal sewer works and services including payment of principal and interest on existing or new debt incurred by the Municipality in providing these works and services.
11. Charges collected under this Bylaw may be used by the Municipality for any purpose directly or indirectly related to municipal sewer works and services regardless of whether such use results in any ascertainable benefit to the parcel or building in respect of which the charges were paid.
12. Money deposited in a reserve account established under Section 10 may be used for temporarily financing any capital or operating purposes of the Municipality and shall be repaid to the reserve account together with interest at the prime rate of interest offered from time to time on loans by the Royal Bank at the time of withdrawal from the reserve account, less 3% per annum.

Severance

13. If any portion of this Bylaw is held invalid by a court, the invalid portion shall be severed and the invalidity shall not affect the validity of the remainder of the Bylaw.

Repeal

14. "Sewer Works Charge Bylaw No.1189, 1996" is repealed and replaced with this Bylaw.

GIVEN FIRST, SECOND, AND THIRD READINGS this 20th day of December, 2000.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 5th day of February, 2001.

RECONSIDERED and finally ADOPTED by the Council this 19th day of February, 2001.

Hugh O'Reilly, Mayor

Brenda Sims, Municipal Clerk

I HEREBY CERTIFY that this
is a true copy of "Sewer Works Charge
Bylaw No. 1504, 2000".

Brenda Sims, Municipal Clerk

RESORT MUNICIPALITY OF WHISTLER
BYLAW NO. 1504, 2000

SCHEDULE "A"

Establishment of Charges

The following charges are established towards provision of municipal sewer works and services in the Municipality:

- (a) \$3,531.00 for each building, tennis court or parcel in each Class A development;
- (b) \$2,654. 00 for each dwelling unit or \$5,308.00 for each parcel in each Class B development;
- (c) \$3,531.00 for each building or parcel in each Class C development, plus \$17.77 per square metre of gross floor area, in excess of 325 square metres, in each Class C development;
- (d) \$17.77 per square metre of gross floor area in each Class D development.