

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1895, 2009

A BYLAW TO IMPOSE A SEWER USER FEE

WHEREAS Section 8 of the *Resort Municipality of Whistler Act* provides that the Resort Municipality of Whistler (the “Municipality”) may construct, replace, acquire, operate and maintain a sewage collection, treatment, conveyance, and disposal system;

AND WHEREAS section 3(1) of the *Resort Municipality of Whistler Act* provides that, subject to that Act, the *Community Charter* applies to the Municipality unless the *Community Charter* is inconsistent with the Resort Municipality of Whistler Act or regulations thereunder;

AND WHEREAS pursuant to section 8(3)(a) of the *Community Charter*, the Municipality may, by bylaw, regulate, prohibit and impose requirements in relation to its services;

AND WHEREAS pursuant to Section 194 of the *Community Charter*, the Municipality may impose fees payable in respect of all or part of a service of the Municipality and may, among other things, establish terms and conditions for payment, including discounts, interest and penalties;

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

1. This bylaw may be cited for all purposes as the “Sewer User Fee Bylaw No. 1895, 2009”.
2. In this bylaw:

“Municipal Engineer” means the General Manager of Environmental Services or their designate.

“Building Official” means the Manager of Building Services, building inspectors, plan checkers and plumbing inspectors designated by the Resort Municipality of Whistler.

“building permit” and “occupancy permit” mean, respectively, a building permit and occupancy permit under the Municipality’s Building and Plumbing Regulation Bylaw No. 1617, 2002.

“parcel” means any lot, block or other area in which land is held or into which it is subdivided, including a bare land strata lot, a building strata lot and, notwithstanding the meaning of “land”, a strata lot that is within or a part of an improvement.

“sewage system” means the Municipality’s system of waste water conveyance, treatment, and discharge from parcels within the boundaries of the Municipality.

3. On January 1 of every calendar year, an annual water user fee is hereby imposed on the owner of a parcel that is connected, directly or indirectly, to the sewage system as of January 1 of the calendar year, in an amount calculated in accordance with Schedule A attached to and forming part of this bylaw. For clarity, a separate annual fee is imposed under this section for each parcel that is connected to the sewage system as of January 1 of the particular year.
4. Notwithstanding section 3 of this bylaw, if at any time during a calendar year the Municipality issues a building permit for an improvement to a parcel and:
 - (a) the improvement will, if constructed, increase the amount of the fee to be paid under this bylaw as calculated under Schedule A to this bylaw; or
 - (b) the improvement is to a parcel not connected to the sewage system or the improvement will, if constructed, be connected to the sewage system,a sewer user fee shall hereby be imposed, as of 6 months after the date the building permit is issued, on the owner of the parcel in an amount calculated under Schedule A to this bylaw based on the proposed uses of the contemplated improvement or, in the case of an improvement under paragraph (a) of this section, in an amount equal to the increase in the fee payable under Schedule A to this bylaw (which fee shall be payable in addition to the fee imposed under section 3 of this bylaw), in either case based on the schedule required by this bylaw to be submitted with the building permit.
5. With any building permit application submitted to the Municipality, the owner of the parcel that is the subject of the application or their authorized representative shall submit to the Municipality, a form satisfactory to the Building Official setting out the uses for the proposed improvement, including, in the case of metered, per square foot charges or per hectare charges, the basis for consumption for each of the uses, all in accordance with the utility use categories in Schedule A to this bylaw.
6. With any application for an occupancy permit submitted to the Building Official, the owner of the parcel that is the subject of the application or authorized representative shall submit to the Municipality as part of the application, a final schedule setting out the actual uses for the improvement, including, in the case of metered, per square foot charges or per hectare charges for each of those uses and, in the case of an improvement that has been subdivided by deposit of a strata plan under the *Strata Property Act*, the uses for each area within each strata lot, all in accordance with the utility use categories set out in Schedule A to this bylaw.
7. If the use of a parcel or improvement or part of either changes during a calendar year such that the fee amount under Schedule A would change, an additional sewer user fee shall hereby be imposed on the owner of the parcel as of the date of the use change in an amount equal to the change in the fee calculated under Schedule A resulting from the change in use.
8. The owner of a parcel shall notify the Municipality in writing within 21 days of any change in use under section 7.

9. All fees imposed under this bylaw are due and payable by the owner on July 2 of the calendar year in which the fee is imposed, except that any fee that is imposed after June 2 in a calendar year shall be due and payable within 30 days of the date the fee is imposed.
10. If a fee (for a parcel not connected to the sewage system as of January 1 of the year) or additional fee is payable due to the issuance of a building permit or a change in use during a calendar year, the amount of the fee or additional fee, as the case may be, shall be equal to the fee amount determined using Schedule A divided by 12 and multiplied by the number of months remaining in the calendar year (including the month of the permit issuance or change in use).
11. If all or part of a fee imposed on an owner under this bylaw is due and payable on or before July 2 of a calendar year and remains unpaid after that date, the owner shall be subject to a penalty equal to 5% of the unpaid amount. If all or part of a fee imposed under this bylaw remains unpaid after September 30 of the calendar year in which the fee was imposed, the owner shall be subject to a further penalty equal to 5% of the then unpaid amount (excluding, for clarity, any fee not due and payable on or before September 30).
12. If all or part of any fee imposed on an owner under this bylaw that is due and payable before December 31 of a calendar year remains unpaid on December 31 of that calendar year, the outstanding amount is deemed to be taxes in arrear with respect to the parcel in respect of which the fee was imposed.
13. No person shall destroy, injure or tamper with any of the sewer works comprised in the sewage system, including any manholes, valves, pipes, connections, the treatment of the sewage itself and any other things used for the purposes of the disposal of sewage, and no person or persons shall in any manner interfere or meddle with any such sewer works or make any additions or alterations to any such sewer works without the express written approval of the Municipality.
14. Every person who contravenes a provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000.00, costs of prosecution, and imprisonment for any time not exceeding six (6) months, and every offence under this bylaw is deemed to be a new and separate offence for each day during which it takes place.
15. If any section or lesser portion of this bylaw is held to be invalid by a Court, the invalid portions shall be severed from this bylaw and such invalidity shall not affect the remaining portions of the bylaw.
16. The following bylaw is hereby repealed:

“Sewer User Rates Bylaw No. 1640, 2003”

GIVEN FIRST, SECOND and THIRD READINGS this 5th day of May, 2009.

ADOPTED by the Council this 19th day of May, 2009.

Ken Melamed,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is
a true copy of "Sewer User Fee Bylaw No. 1895, 2009.

Shannon Story
Manager of Legislative Services

SCHEDULE "A"

SEWER USER FEES

FLAT FEE

2009 Rates

1	Single family residential and Bed & Breakfast	163.00
2	Duplex (not strata titled)	
	i) first residential unit	163.00
	ii) each additional unit	363.00
3	Duplex (strata titled), per strata lot	163.00
4	Apartment or Multiple Family Residential parcel (not strata titled)	
	i) first residential unit	163.00
	ii) each additional unit	363.00
5	Dormitory Housing (any housing unit with a gross floor area of 45 square meters or less located within a non-stratified building containing 10 or more such housing units and normally rented for continuous periods of 30 days or more)	
	i) first residential unit	81.00
	ii) each additional unit	180.00
6	Hotel or Motel (not strata titled)	
	i) first residential unit	163.00
	ii) each additional unit	363.00
7	Pension (not strata titled)	
	i) first residential unit	81.00
	ii) each additional unit	81.00
8	Pension - residential prtion	163.00
9	Mobile home parks (not strata titled)	
	i) first rental space	163.00
	ii) each additional space	363.00
10	Trailer, Recreational Vehicles, Campgrounds each space	81.00
11	Apartment of Multiple Family Residential Parcel (strata titled), per strata lot	163.00
12	Hotel or Motel (strata titled), per strata lot	163.00
13	Mobile home parks (strata titled), per strata lot	163.00
14	Schools - each classroom	366.00

SCHEDULE "A"

SEWER USER FEES

PER SQUARE FOOT

15	Public restrooms, Laundries, Laundromats, Car Washes, & Breweries each square foot	2.04
16	Restaurants, Bars, Lounges, Discotheques, Cabarets, Public Houses each square foot	0.98
17	Business, Commercial, Industrial, Hostels, Other each square foot	0.25
18	Pools, Aquatic Centres, Waterslides each square foot	0.25

PER CUBIC METRE

19	Metered rates (based on metered water volumes)	
	First 6,000 cubic metres	1.06
	Next 12,000 cubic metres	0.87
	Next 24,000 cubic metres	0.68
	Next 42,000 cubic metres	0.54

MINIMUM CHARGE

20	Minimum annual charge for a strata-titled unit, or the first unit in a non-strata building	121.00
21	Minimum annual charge for each additional dwelling unit in a non-strata building	322.00