

**DISTRICT OF COLDSTREAM  
BYLAW NO. 1704, 2017**

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**A BYLAW TO ALLOW FINANCING BY WAY OF A REPAYMENT AGREEMENT  
FOR CONNECTION TO THE DISTRICT SANITARY SEWER SYSTEM**

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WHEREAS the *Community Charter* provides that Council may, by bylaw, impose requirements in relation to municipal services, including sewer services;

AND WHEREAS the *Community Charter* provides that Council may, by bylaw, impose a fee payable in respect of a municipal service, including terms, conditions, and the payment of interest;

AND WHEREAS the District of Coldstream has enacted the Sanitary Sewer System Regulation and Rate Bylaw No. 1692, 2017;

AND WHEREAS Council deems it necessary to formalize a program for assisting property owners with the financing of connections to the District sanitary sewer system;

NOW THEREFORE the Council of the District of Coldstream ENACTS AS FOLLOWS:

**TITLE**

- 1 This Bylaw may be cited for all purposes as "DISTRICT OF COLDSTREAM SANITARY SEWER FINANCING BYLAW NO. 1704, 2017".

**INTERPRETATION**

- 2 In this Bylaw:

"**Connection**" means all pipes, sewerage works and appurtenances necessary to connect a parcel to the sanitary sewer system.

"**Contractor**" means the contractor that undertakes to install and complete a connection under this Bylaw.

"**Costs**" means the costs of a connection to be paid by the District under section 6.

"**Director**" means the Director of Financial Administration for the District, or a person authorized to act in his or her place.

"**District**" means the District of Coldstream.

"**Owner**" shall be interpreted as defined in the *Community Charter*.

"**Parcel**" means land for which a connection is required under the District's current Sanitary Sewer System Regulation and Rate Bylaw or another enactment.

"**Prime Rate**" means the prime rate established by the Bank of Canada at the time the applicant's application is accepted.

**“Sanitary Sewer System”** means any sewerage works and appurtenances thereto owned by the District.

- 3 (1) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
  - (2) A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
  - (3) Words in the singular include the plural, and words in the plural include the singular.
  - (4) Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.
  - (5) Provisions in this Bylaw that authorize the Director or the District to take any action must not be interpreted to mean that the Director or the District has any duty to take such action.
- 4 If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder of the Bylaw continues to be valid.

#### **REPAYMENT BY AGREEMENT**

- 5 An owner required to install a connection to the sanitary sewer system under the District's current Sanitary Sewer System Regulation and Rate Bylaw or another enactment may apply to the District for the District to pay the costs of such connection subject to the terms and conditions of this Bylaw.
- 6 An owner under section 5 shall provide the Director with an application that includes the following information:
- (a) the full names and addresses of all owners of the parcel;
  - (b) the address and legal description of the parcel;
  - (c) quote from the contractor setting out their estimated costs for the connection including all costs for labour, supplies and equipment.
- 7 The Director shall review the application and upon satisfaction of the application enter into a repayment agreement with the owner in a form satisfactory to the District which must:
- (a) be in the form of a restrictive covenant, registerable on the title of the parcel;
  - (b) bear a repayment term not exceeding fifteen (15) years;

- (c) provide for interest payable to the District on the amount outstanding to be repaid at a rate of one percent (1%) above the prime rate per annum;
- (d) provide that amounts due and payable may be added to and invoiced together with the District’s utility billings in respect of the parcel;
- (e) require payment to the District of:
  - i. the costs paid by the District to construct or have constructed the necessary works to connect buildings on the parcel to the sanitary sewer system;
  - ii. the applicable service connection fee in accordance with the District's current Sanitary Sewer System Regulation and Rate Bylaw; and
  - iii. an administration fee of three percent (3%) of the costs and fee in subsections (e)(i) and (e)(ii) to a maximum of \$300;
- (f) provide that the owner may, at any time and without penalty, pay in full to the District all principal and interest amounts then outstanding;
- (g) provide that the entire balance outstanding, including accrued interest, is immediately due and payable to the District upon sale or transfer of the parcel; and
- (h) provide that any amounts due to the District by the owner under the repayment agreement which remain unpaid after December 31 in any year shall forthwith be deemed to be taxes in arrears, with interest on those taxes to be calculated in accordance with the *Community Charter*, and such amounts shall be added to the taxes payable on the parcel.

**REPEAL**

8 District of Coldstream Sewer Financing Bylaw No. 1485, 2006, and amendments thereto, is repealed.

READ A FIRST TIME this	10 <sup>th</sup>	day of	October	2017
READ A SECOND TIME this	10 <sup>th</sup>	day of	October	2017
READ A THIRD TIME this	10 <sup>th</sup>	day of	October	2017
RESCINDED THIRD READING this	23 <sup>rd</sup>	day of	October	2017
READ A THIRD TIME as AMENDED this	14 <sup>th</sup>	day of	November	2017
ADOPTED this	27 <sup>th</sup>	day of	November	2017

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Corporate Officer

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Mayor