

SCOTT POINT WATERWORKS DISTRICT

377 SCOTT POINT DRIVE,
SALT SPRING ISLAND, B.C. V8K 2R2


BY-LAW NO. 92

A By-Law regulating the subdivision of land that is being proposed for connection to the Improvement district's water system.

The Trustees of Scott Point Waterworks District ENACT AS FOLLOW:

INTERPRETATION

1. In this By-Law:

- A. "applicant" means the owner of 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.
- B. "District" means Scott Point Waterworks District.
- C. "subdivision" means a subdivision as defined in the *Land Title Act* or the *Strata Property Act*.
- D. "standards" means the District's water system construction and design standards ~~attached as Schedule "B" to this by-law.~~ 
- E. "District's system" means the water distribution system including all works owned and operated by the District.
- F. "trustees" means the trustees for the District.
- G. "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 by-law 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, must not be subdivided contrary to this by-law.

APPLICATION

4. A. 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:
- ~~(i) the form prescribed as Schedule "A" to this by-law.~~
 - ~~(ii) the plans and other information specified in Schedule "A".~~
 - (iii) a subdivision application fee of \$200.00.
- B. 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 by-law.

GENERAL PROVISION

5. A. The trustees may refuse to approve the proposed subdivision where:
- (i) the proposed subdivision does not comply with the provisions of this and other applicable by-laws of the District;
 - (ii) one or more parcels to be created by the subdivision are to be connected to the District's system and the District has an insufficient water supply to provide such parcels with a supply of water.

CONSTRUCTION OF WORKS WITHIN SUBDIVISION

6. A. Subject to section 747.1(3) of the *Local Government Act*, an owner of land who proposes to subdivide the land must:
- (i) provide, locate and construct a water distribution system within the subdivision; and
 - (ii) connect the water distribution system to the District's system in accordance with the Standards.

- B. The cost 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 land providing the Works.
- C. The costs referred to in paragraph (2) include the cost of all permits, inspections, Engineering costs and other costs related to the proposed subdivision.

EXTENSION OF WORKS AND SERVICES

- 7. A. 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.
- B. 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

- 8. A. An owner of land who has installed works under this agreement must:
 - (i) transfer the works to the District and,
 - (ii) 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.
- B. An owner who transfers works to the District must
 - (i) remedy all defects in the Works for one year following the date of transfer; and
 - (ii) 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 10% (ten percent) of the cost of the Works as security for the performance of the owner's obligations under (a).

COPIES OF PERMITS

9. The owner required to install Works under this by-law must provide to the District a copy of the construction permit for the Works, issued by the Ministry of Health.

CONNECTION CHARGES

10. No person may connect any parcel to the District's System without paying all applicable charges in accordance with the District's by-laws.

APPROVAL PERIOD

11. (1) Subject to changes in an enactment which may affect a subdivision, approval of a subdivision under this by-law will be valid for a period of six months.

(2) An approval under this by-law must not be interpreted as limiting the function or authority of the Approving Officer under section 87 of the *Land Title Act*.

VIOLATION

12. A person who does any act or suffers or permits any act to be done in contravention of this by-law or who neglects to do or refrains from doing any act or thing which is required to be done by this by-law, commits an offence.

PENALTY

13. A person who commits an offence under this by-law is liable on summary conviction to a penalty in accordance with the *OFFENCE ACT*.

SEVERABILITY

14. If any section, subsection, sentence, clause, or phrase of this by-law 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 by-law with the remaining portions of the by-law remaining valid and of full force and effect.

INSPECTION AND RIGHT OF ACCESS

15. (1) The trustees, or an officer or employee of the District may enter at all reasonable times upon land subject to this by-law, to ascertain whether the provisions or the by-law 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 by-law.

REPEAL

16. Subdivision Water Regulation By-law No. 4 is repealed.

CITATION

17. This by-law may be cited as the "Subdivision Water Regulation By-Law No. 92".


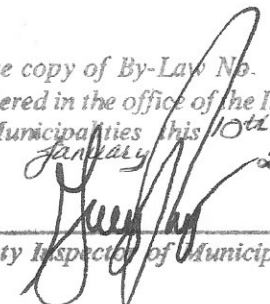
INTRODUCED and given first reading by the Trustees on the 17th day of December, 2007.

RECONSIDERED and finally passed by the Trustees on the 17th day of December, 2007.


Chair of the Trustees

I hereby certify that this is a true copy of By-Law No. 92.


Officer.


A true copy of By-Law No. 92
registered in the office of the Inspector
of Municipalities this 10th day of
January 2008

Deputy Inspector of Municipalities