

# KEMP LAKE WATERWORKS DISTRICT

## BYLAW NO. 155

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### **A bylaw regulating multiple occupancy development of land in the area comprising the improvement district.**

The Trustees of Kemp Lake Waterworks District ENACTS AS FOLLOW:

#### **1. DEFINITION**

In this bylaw:

- (1) “applicant” means the owner of property, or the authorized agent of the owner, who has submitted a completed application for the development of land to which the District may supply water.
- (2) “Commercial Unit” shall mean any unit of divided space for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services, and administrative, commercial and professional offices.
- (3) “District” means the Kemp Lake Waterworks District.
- (4) “District’s system” means the water distribution system including all works owned and operated by the District.
- (5) “Dwelling Unit” shall mean any room or suite of rooms used or intended to be used as a place of habitation by one or more persons and a dwelling unit shall include, without prejudice to the said generality, a single family dwelling, a trailer, a mobile home and a self-contained room or suite of rooms in a building.
- (6) “Industrial Unit” shall mean any unit of divided space for which the use is the provision for the processing, fabricating, testing, servicing, repairing or wrecking or salvaging of goods and materials, and the selling of heavy industrial equipment.
- (7) "multiple occupancy" means a parcel of land having more than one unit of any combination of types of units.
- (8) "parcel" means any lot, block, strata lot or other area, which is the subject of separate registration in the Land Title Office.

- (9) "Recreational Unit" shall mean any designated area used for or intended to be used for the temporary or permanent location of a tent or a recreational vehicle of any type.
- (10) "Standards" means the Design Standards, Engineering Specifications and Standard Drawings of the District.
- (11) "trustees" means the trustees of the District or their duly authorized representatives.
- (12) "unit" means any Dwelling Unit, Recreational Unit, Commercial Unit or Industrial Unit.
- (13) "works" means any structures, including pipes, and all attachments, fittings, fire hydrants, service connections, meters and facilities for the storage, supply, conveyance, treatment and distribution of water.

## **2. OTHER ENACTMENTS**

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

## **3. GENERAL PROHIBITION**

Land that is within the District must not be developed contrary to this bylaw.

## **4. APPLICATION**

- (1) An owner or an authorized agent of the owner of land who proposes to build or expand a multiple occupancy development on land within the District 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) an application fee of \$ 75.
- (2) Every application for a multiple occupancy development must include a calculation of the peak hourly water demand and pressure requirement for the ultimate development and sufficient information, plans and drawings for the District to determine whether the proposed works comply with this bylaw.

## **5. GENERAL PROVISION**

- (1) The trustees may refuse to approve the multiple occupancy development where:
  - (a) the proposed multiple occupancy development does not comply with the provisions of this and other applicable bylaws of the District;
  - (b) the District has an insufficient water supply to provide such multiple occupancy development 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 multiple occupancy development will be calculated having reference to the peak hourly water demand and pressure requirement for the ultimate development of the parcel as provided under section 4(2).

(3) Despite subsection (1), an application may be approved where the owner of the land provides to the District 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 development with a sufficient supply of water.

## **6. CONSTRUCTION OF WORKS IN ADJACENT HIGHWAYS**

The Board of Trustees of the District may, by resolution, require that an owner of land pay the costs of providing works and services in accordance with the Standards, on that portion of a highway immediately adjacent to the site being developed.

## **7. COSTS**

(1) All costs relating to the proposed development in regard to water service to the development must be paid completely by the owner of land being developed.

(2) The costs referred to in paragraph (1) include the cost of all permits, inspections, engineering costs and other costs related to the proposed development.

## **8. CONSTRUCTION OF EXTENDED SERVICES**

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 approved by the Board of Trustees.

## **9. CONNECTION CHARGES**

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

## **10. PRELIMINARY APPROVAL PERIOD**

Subject to changes in an enactment, which may affect a development, preliminary approval of a development under this bylaw will be valid for a period of six months.

## **11. FINAL APPROVAL**

Final approval will be granted only after all required works have been completed and all monies owing under this or other bylaws of the District have been paid to the District.

## **12. VIOLATION**

A person who does any 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.

## **13. PENALTY**

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

## **14. SEVERABILITY**

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.

## **15. INSPECTION AND RIGHT OF ACCESS**

(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 shall obstruct or prevent a person referred to in paragraph (1) from carrying out any of the provisions of this bylaw.

## **16. REPEAL**

Multiple Occupancy Water Regulations Bylaw No. 75 is hereby repealed.

## **17. CITATION**

This bylaw may be cited as the “Multiple Occupancy Development Water Regulations Bylaw No. 155.”

INTRODUCED and given a first reading by the Trustees on the 20th day of October 2004.

RECONSIDERED and finally passed by the Trustees on the 20th day of October 2004.

**SCHEDULE A**

**MULTIPLE OCCUPANCY DEVELOPMENT  
WATER REGULATION BYLAW NO. 155**

**KEMP LAKE WATERWORKS DISTRICT**

P.O. Box 465, Sooke, BC, V0S 1N0 Telephone: (250) 642-2875

Property Address(es): \_\_\_\_\_

Legal Description of Property (ies): \_\_\_\_\_

Registered Owner(s): \_\_\_\_\_

Address (Correspondence/calls  
to be directed to): \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:**

1. Copy of Indefeasible Title(s), dated within 30 days of the date of application.
2. A letter of authorization if the applicant is not the owner.
3. Plan of proposed development with dimensions clearly illustrating the number and types of units, etc. to a scale of not less than 1:2000. Four copies are required.
4. The layout sketch plan, in metric, must show the following:
  - the full legal description of the parcel(s) to be developed;
  - the number of types of proposed and existing units;
  - the relationship of the development to neighbouring parcels and highways;
  - the proposed location and size of water service connection for the proposed development;
  - topographic information where land affected by the application is steep, irregular, or otherwise difficult to appraise in respect of the proposed development.
5. An application fee of \$75.

**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 development. Personal information or business information submitted on this form is not considered to be supplied in confidence.

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

By signing this application, I/we acknowledge our responsibility for all costs incurred by the district in relation to this proposed development.

Property owner(s) signature(s) : \_\_\_\_\_

OR:

Authorized agent's signature: \_\_\_\_\_

Dated this day \_\_\_\_ of \_\_\_\_\_ 200\_\_

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Approved this day \_\_\_\_ of \_\_\_\_\_ 200\_\_ .

\_\_\_\_\_  
Authorized Signature