

# Report

Date September 26, 2023 File: 3900-50  
Subject Waste Collection and Waterworks Amendment Bylaw No. 3935, 2023, for three readings

## PURPOSE

To introduce Waste Collection and Waterworks Amendment Bylaw No. 3935, which proposes to amend the Waste Collection Bylaw, the Waterworks Bylaw and the Fees and Charges Bylaw to ensure consistency with current practices and compliance with provincial legislation.

## BACKGROUND

In 2023, North Cowichan removed the utilities from the property tax bills, and they are now billed tri-annually (May, September, and January). This adjustment in utility billing now spreads the utility charges out over the year.

## DISCUSSION

The amendments presented in Waste Collection and Waterworks Amendment Bylaw No. 3935, 2023 (Bylaw No. 3935) are consistent with the amendments introduced on September 6, 2023, in Sewer Services User Fee Amendment Bylaw No. 3926, 2023.

The table below describes the changes proposed in Bylaw No. 3935 (Attachment 1).

From Bylaw	Old Wording	BL 3935 Section	To Bylaw	New Wording	Comments
Waste Collection Bylaw, s. 5	An annual collection fee, as prescribed in the Fees Bylaw, is:	2(a)	Waste Collection Bylaw, s.5	An annual collection fee is imposed upon each dwelling capable of being serviced by the garbage, recyclables and kitchen organics collection and disposal system under Fees and Charges Bylaw No. 3784, 2020, as revised or replaced from time to time.	The wording in 5(a) was updated in the same section to be consistent with amended language for sewer use fees.
	(a) imposed on each dwelling capable of being served by the garbage, recyclables and kitchen organics collection and disposal system				Clause (b) was moved from the Waste Collection Bylaw to the Fees and Charges Bylaw and was updated to be consistent with amended language for sewer use fees in regard to adding unpaid amounts on the tax bill.
	(b) payable in the same manner and by the same date as property taxes	4(c)	Fees and Charges Bylaw, Sch. C s.2, 2.	Any annual waste collection fee [Item 30] which is payable under this section, Schedule C [Development and Permitting Fees], Section 2 [Engineering Fees], and is unpaid on December 31 shall be deemed to be taxes in arrears, in accordance with the <i>Community Charter</i> .	

From Bylaw	Old Wording	BL 3935 Section	To Bylaw	New Wording	Comments
Waterworks Bylaw, s. 42	A consumer must pay waterworks fees, set out in the Fees Bylaw, whether or not water is used.	3(a)	Waterworks Bylaw, s.42	An annual user fee is imposed upon each owner and occupier of real property, whether or not water is used, under Fees and Charges Bylaw No. 3784, 2020, as revised or replaced from time to time.	Wording updated in the Waterworks Bylaw to be consistent with amended language for sewer use fees in the Sewer Services Bylaw.
Waterworks Bylaw, s.43(1)	Every consumer having a metered service must pay for the full amount of water as registered by the meter, according to the rate applicable to the service.	4(c)	Fees and Charges Bylaw, Schedule C, s.8, 2.	Every consumer having a metered service must pay for the full amount of water as registered by the meter, according to the rate applicable to the service.	Clause moved from Waterworks Bylaw to Fees and Charges Bylaw – no change to wording.
Waterworks Bylaw, s.43(2)	Where more than one commercial or residential premise exists on one parcel served by a single connection, each is considered to be a separate unit and must be billed accordingly.	4(c)	Fees and Charges Bylaw, Schedule C, s.8, 3.	Where more than one commercial or residential premise exists on one parcel served by a single water connection, each is considered to be a separate unit and must be billed accordingly.	Clause moved from Waterworks Bylaw to the Fees and Charges Bylaw – minor change to insert “water.”
Waterworks Bylaw, s.46	Subject to the late payment provisions set out in the Fees Bylaw, a 10% penalty must be added to any unpaid current water charges 45 days after each billing period for residential and commercial users.	4(b)	Waterworks Bylaw, s.46	A late payment penalty will be added under Fees and Charges Bylaw No. 3784, 2020, as revised or replaced from time to time, for fees that remain unpaid after their due dates.	The wording was updated to avoid any conflicts with late penalties under section 5 of the Fees and Charges Bylaw.
Waterworks Bylaw, s.48(1)	Fees payable under this Bylaw must be collected in the same manner and with like remedies as property taxes.	4(d)	Fees and Charges Bylaw, Schedule C, s.8, 4.	Any user fee which is payable under this section, Schedule C [ <i>Development and Permitting Fees</i> ], Section 8 [ <i>Water Use Fees</i> ], and is unpaid on December 31 shall be deemed to be taxes in arrears, in accordance with the <i>Community Charter</i> .	The clause was moved from the Waterworks Bylaw to the Fees and Charges Bylaw and was updated to be consistent with amended language for sewer use fees in regard to adding unpaid amounts on the tax bill.
Fees and Charges Bylaw	“Fees Bylaw”	4(a)	Fees and Charges Bylaw	“Fees and Charges Bylaw No. 3784, 2020, as revised or replaced from time to time”	Updated for consistency with current practices

From Bylaw	Old Wording	BL 3935 Section	To Bylaw	New Wording	Comments
Fees and Charges Bylaw, s. 5(1)(a)	10% on unpaid water and sewer usage fees and charges	4(b)	Fees and Charges Bylaw, s. 5(1)(a)	10% on unpaid garbage collection, water and sewer usage fees and charges	Added waste collection as garbage, water and sewer are all billed on the same invoice.
Fees and Charges Bylaw		4(c)	Fees and Charges Bylaw, Sch. C s.2, 1.	Annual waste collection fees payable under this section, Schedule C [ <i>Development and Permitting Fees</i> ], Section 2 [ <i>Engineering Fees</i> ], shall be invoiced on a tri-annual basis and are due within three months of invoice.	A new clause was added to the Fees and Charges Bylaw so that waste collection billing language is consistent with the language for sewer tri-annual billing.
Fees and Charges Bylaw		4(d)	Fees and Charges Bylaw, Schedule C, s.8, 5.	Annual water use fees payable under this section, Schedule C [ <i>Development and Permitting Fees</i> ], Section 8 [ <i>Water Use Fees</i> ], shall be invoiced on a tri-annual basis and are due within three months of invoice.	A new clause was added to the Fees and Charges Bylaw so that water use fee billing language is consistent with the language for sewer tri-annual billing.

## OPTIONS

1. **(Recommended Option)** THAT Council give first, second and third reading to Waste Collection and Waterworks Amendment Bylaw No. 3935, 2023.
  - This option is consistent with Council's previous decision to amend the Sewer Service Bylaw in relation to fees and adding unpaid fees to the property tax bill.
2. THAT Council refer Waste Collection and Waterworks Amendment Bylaw No. 3935, 2023, to the Committee of the Whole for further discussion and recommendation to Council.
  - This option enables Council to provide direction to the staff on the amendment bylaw prior to Council considering first reading.

## IMPLICATIONS

The bylaw presented removes contradictory language between the Waterworks Bylaw and the Fees and Charges Bylaw. Keeping all language related to fees, late penalties and billing within the Fees and Charges Bylaw will avoid future conflicts.

## RECOMMENDATION

THAT Council give first, second and third reading to Waste Collection and Waterworks Amendment Bylaw No. 3935, 2023.

Report prepared by:



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Report reviewed by:



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**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachment(s):

- (1) Waste Collection and Waterworks Amendment Bylaw No. 3935, 2023