

SUMMARY:

The Sewerage System User Bylaw sets out the rates charged for use of the City's sanitary sewer system. Provisions are made for a residential monthly flat rate charge and a commercial monthly charge based on the quantity of water used.

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CITY OF KELOWNA
BYLAW NO. 3480
REVISED: October 30, 2023

CONSOLIDATED FOR CONVENIENCE TO INCLUDE
Bylaw Nos. 4038, 4246, 4354, 5531, 6492, 6742, 6982, 7189, 7404, 7631, 7796,
7837 8019, 8186, 8377, 8522, 8536, 8708 8778, 8809, 8940, 9132, 9138, 9333,
9360, 9711, 9914, 9941, 10147, 10275, 10304, 10504, 10657, 10927, 11058,
11352, 11439, 11788, 12057, 12305, 12435, 12539 & 12587

SEWERAGE SYSTEM USER BYLAW

A Bylaw to impose a charge against the owners or occupiers of real property for the use of the sewerage system of the City of Kelowna.

WHEREAS the Council of the City of Kelowna has established and operates a system of sewerage - works hereinafter called the "sewerage system";

AND WHEREAS the Council may by bylaw, with the approval of the Lieutenant-Governor-in-Council, impose a charge against the owner or occupier of real property for the use of a sewerage system and may vary the charge for sewerage in accordance with:

- (a) the number of outlets served; or
- (b) the quantity of water delivered to the premises by a utility;
- (c) a classification of users or effluents; or
- (d) any combination of such methods;

NOW THEREFORE the Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. User charges are hereby imposed against the owners or occupiers of real property for the use of the sewerage system as hereinafter specified.

BL7837, BL9360, BL10927, BL11352 amended definition and BL10927 deleted definition for Director of Works and Utilities.

2. DEFINITIONS

In this bylaw:

"Biochemical Oxygen Demand" shall mean the five (5) day biochemical oxygen demand of the sewage as measured by the test method for "Oxygen Demand (Biochemical)" set out in the section entitled "Examination of Polluted Waters" in "Standard Methods for the Examination of Water and Waste Water" as published by the American Public Health Association.

"Commercial User" shall mean any user other than a residential user.

"Grease" shall mean the amount of grease in the sewage as measured by the test method for "Grease-soxhlet Extraction Method" in the section entitled "Examination of Polluted Waters" in "Standard Methods for the Examination of Water and Waste Water" as published by the American Public Health Association.

"New User" shall mean any use made through a new connection to the sewer system constructed after the coming into force of this bylaw, or any existing connection where the use made of the connection is substantially altered by reason of re-development on or after the coming into force of this bylaw.

"Residential Unit" shall mean a housing unit for one (1) family consisting of either a detached residence, one (1) self-contained suite in a residence, one (1) side of a duplex or one (1) self-contained suite in a building containing three (3) or more such suites.

"Residential User" shall mean any connection to the sewer system from a building used primarily for residential purposes.

"Septic Removal Specified Area" shall mean those lots identified the Septic Removal Specified Area Maps administered by the City (with authorities delegated to the General Manager, Infrastructure) including lots that have been pre-serviced to reduce the number of private septic systems within the City.

"Septic Removal Specified Area User" shall mean any New User with a connection to the public sewer system in a Septic Removal Specified Area after coming into force of this bylaw, or any existing connection where the use made of the connection is substantially altered by reason of re-development on or after the coming into force of this bylaw."

"Sewer Credit Meter" means a water meter installed in a location in a business after the main water meter, which meets the City of Kelowna standards. It serves as a secondary meter that measures the portion of the water used by a customer, for a use that cannot return any of the water, in any way, to the sewer system. The volume of water measured to pass through the Sewer Credit Meter is deducted from the total water volume used by the customer, for the purposes of sewer billing.

"Suspended Solids" shall mean the amount of suspended solids in the sewage as measured by the test method for "Total Suspended Matter (Non-filterable Residue)" as set out in "Standard Methods for the Examination of Water and Waste Water" published by the American Public Health Association.

"User" shall mean a sewer connection from which flow does, or may occur in the future in the sewage collection system.

"Utility Manager" means the person hired to manage the Wastewater Utility and includes employees of the City when acting under the direction of the Utility Manager.

"Volume" shall mean the volume of sewage discharged in a given period as measured by the amount of water delivered to the user during that period.

BL4038 & BL12305 amended Section 3:

3. (1) all new users of the City of Kelowna sewerage system shall pay a fee to be known as the Sewer Development Charge, upon application being made for a sewer connection or building permit, as follows:
 - (a) Residential User Three Hundred Dollars (\$300.00) for each residential unit
 - (b) Commercial User A fee to be the greater of either (i) or (ii) as follows:
 - (i) Three Hundred Dollars (\$300.00) for each residential unit

- discharging to the sewer connection
- (ii) A charge calculated by multiplying the Proportionate Area shown in the second column for the Water Service Size in the first column of the following table multiplied by Three Hundred Dollars (\$300.00)

Water Service Size (in inches) (Exclusive of fire protection use)	Proportionate Area
5/8	1
3/4	1.5
1	2.5
1.5	6
2	10
3	24
4	40

- (c) Septic Removal Specified Area User For those Septic Removal Specified Area Users identified in the Septic Removal Specified Area Maps, the fees outlined in the following table shall apply at the time of connection based on service type:

Service Type	2023	2024	2025
100-mm residential	\$7,800	\$7,800	\$9,000
150-mm multi-family and/or commercial	\$10,400	\$10,400	\$12,000
Industrial OR larger than 150 mm	\$16,400	\$16,400	\$18,900

- (iii) Where a user of the sewerage system does not obtain water from the City of Kelowna Water Works System, then the fee to be paid shall be calculated in accordance with the foregoing as though the water was obtained from the City of Kelowna System.
- (2) PROVIDED always that where an applicant for a sewerage connection has re-developed a site by demolition of existing buildings on the site he shall be allowed a credit of the Sewer Development Charge which would have been paid for the buildings demolished had they been newly connected. In no case shall the allowable credit exceed the Sewer Development Charge to be paid. This credit shall not be applied to lots identified as being within the Septic Removal Specified Area.”;
- (d) Delegation of Authority for the Septic Removal Specified Area Maps: Provided that all necessary prerequisites of the Community Charter the Local Government Act, other applicable federal and provincial enactments, City bylaws, and City policies have been met, the General Manager, Infrastructure is assigned the authority to approve and amend the Septic Removal Specified Area Maps on behalf of the City.
3. (3) Should a lot within the Septic Removal Specified Area be subdivided, consolidated or developed, the Sewer Development Charge shall be based on the existing services prior to development as per Section 3 (1)(c). Any additional costs for replacing, decommissioning, or upgrading existing services shall be borne by the developer.

BL5531, BL6492, BL6742, BL6982, BL7189, BL7404, BL7631, BL7796, BL8019, BL8186, BL8377, BL8522, BL8708, BL8778, BL8940, BL9132, BL9333, BL9711, BL9914, BL10275, BL10504, BL10657, BL10927 11058, BL11352, BL11788, BL12057, BL12435 and BL12587 amended Section 4:

4. Residential users shall pay a monthly or bi-monthly flat rate charge for each residential unit for the use of the sewerage system as follows:

	Effective January 1, 2023	Effective January 1, 2024
Flat Rate per Month	\$23.62	24.33
Bi-Monthly Rate	\$47.24	\$48.66

BL5531, BL5531, BL6492, BL6742, BL6982, BL7189, BL7404, BL7631, BL7796, BL8019, BL8186, BL8377, BL8522, BL8708, BL8940, BL9132, BL9333, BL9914, BL9941, BL10304, BL10504, BL10657, BL10927, BL11058, BL11352, BL11439, BL11788, BL12057 and BL12587 amended Section 5:

5. (1) Commercial Users that have a City of Kelowna metered water supply shall pay a monthly or bi-monthly base rate plus a consumption charge for the use of the sewerage system calculated on the quantity of water delivered to the premises at the following rate for each one (1) cubic meter:

	Effective January 1, 2023	Effective January 1, 2024
Metered base rate per month	\$12.91	\$13.30
Bi-Monthly	\$25.82	\$26.59
Consumption charge	\$1.07/ m ³	\$1.10/ m ³

- (2) The property at 3176-3348 University Way, Kelowna BC (UBCO) shall pay a monthly or bi-monthly charge for the use of the sewerage system calculated on the metered quantity of sewage discharged from the premises at the following rate table:

	Effective January 1, 2023	Effective January 1, 2024
Metered base rate per month	\$297.01	\$305.92
Bi-Monthly	\$594.02	\$611.84
Consumption charge	\$1.07/m ³	\$1.10/m ³

This rate shall be based on Standard Sewage having the following strength:

Biochemical Oxygen Demand	250 milligrams per litre
Suspended Solid	300 milligrams per litre
Grease	90 milligrams per litre

Provided that if the Utility Manager for the City of Kelowna has reason to believe that the sewage discharged exceeds the strength of standard commercial sewage, then the City of Kelowna may test the sewage discharged. If the results of the test indicate a strength in excess of standard commercial sewage, testing will be at the discharger's expense and the City of Kelowna shall apply a charge for the discharger for sewage system use on the basis of "Base Costs" using the following basis of calculation:

Base Costs

- (1) Biochemical Oxygen Demand (BOD) - for each kilogram discharged 42 cents
- (2) Total Suspended Solids (TSS) - for each kilogram discharged 42 cents
- (3) Fats, Oil & Grease (FOG) – for each kilogram discharged 19 cents
- (4) Volume (V) – In addition to the amounts listed above, under (1), (2) and (3) the discharger shall also pay for the liquid Volume at the current rate per cubic meter as specified in the first paragraph of Section 5 (1) this bylaw.

When the City of Kelowna makes the monthly/bi-monthly charge on the basis of "Base Costs", then the number of kilograms of Biochemical Oxygen Demand, Total Suspended Solids and Fat, Oil & Grease, shall in each case be calculated in accordance with Section 6. The formula used to calculate surcharge billings shall be as follows:

$$\text{Billing} = \text{Flow (m}^3\text{)} \times \{V + B(\text{measured BOD} - 0.25) + T(\text{measured TSS} - 0.3) + F(\text{measured FOG} - 0.09)\}$$

Where measured BOD, TSS and FOG are in units of kg/m³.

- (3) Commercial Users that do not have a City of Kelowna metered water supply shall pay a monthly or bi-monthly charge for the use of the sewerage system based upon the size of water service supplied to the property and calculated as follows:

¾ " water service size	12 times the residential rate
1" water service size	24 times the residential rate
1 ½ " water service size	40 times the residential rate
2" water service size	72 times the residential rate
3" water service size	135 times the residential rate
Greater than 3" water service size	Based on estimated usage as determined by the City of Kelowna

BL12435 added Section 5.4

- (4) The District of Lake Country shall pay a monthly or bi-monthly charge for the use of the Sewerage System calculated on the metered quantity of treated effluent received from the Lake Country Wastewater Treatment Plant at the following rates:

	Effective January 1, 2023
Consumption charge	\$0.20 / m ³

Provided the effluent meets the District of Lake Country's wastewater treatment plant's effluent permit requirements set by the Province of British Columbia. Effluent from the District of Lake Country that does not meet their permit requirements shall be charged at the rates set out in 5(2) (University of British Columbia)."

BL7837 and BL10927 amended Section 6:

6. The average commercial sewage strength for billing purposes on the basis of Base Costs shall be calculated as follows:
- (i) Monitoring of dischargers shall be in accordance with the condition of the issuance of a Waste Discharge Permit under the City of Kelowna Sanitary Sewer/Storm Drainage Regulation Bylaw No. 6618-90, as amended;
 - (ii) Monitoring of dischargers shall be proportionate with the discharge but shall not be less than semi-annually whereby a group of five (5) daily flow proportioned samples shall be collected within a thirty (30) day period; or
 - (iii) The Discharger shall randomly sample and analyse industrial user effluents at a frequency proportionate with the character, consistency and volume of the discharge and to the satisfaction of the Utility Manager. At a minimum, the discharger shall sample for all regulated pollutants twice per year.

The commercial sewage strength for billing purposes shall be the arithmetical average of the geometric means of the most recent last three (3) groups of samples that have been taken. If less than three (3) groups of samples have been taken, the arithmetical average shall be the arithmetic mean of the number of groups of samples taken.

BL7837 amended Section 7:

7. All tests, measurements, analysis and examinations of wastewater, its characteristics or contents, shall be paid for by the discharger.

BL7837, BL 9138 and BL10927 amended Section 8:

8. Where a user is of the opinion that his sewage is significantly weaker than standard commercial sewage as defined in Section 5 of this bylaw, the user may apply to the Utility Manager to test his sewage discharge. Such testing shall be in accordance with Section 6 of this bylaw.

Should the testing show that the commercial sewage strength is less than all of the following:

Biochemical Oxygen Demand	250 milligrams per litre
Suspended Solids	300 milligrams per litre
Oil & Grease	90 milligrams per litre

then the City of Kelowna shall calculate the monthly or bi-monthly charge on the basis of flat rate as set out in Section 5 of this bylaw.

The sewage strength shall be re-tested at such future intervals as the Utility Manager may determine and monthly or bi-monthly charges shall continue to be on the basis of flat rate unless

two (2) or more consecutive tests show that the sewage strength is greater than that of standard commercial sewage for any of the three (3) measured variables.

9. All commercial users shall have their water supply metered. Where a meter is required, it shall be provided by the City of Kelowna and maintained by the City of Kelowna. The cost of installation of the meter, all necessary plumbing changes, including the provision of reasonable access shall be at the cost of the user provided that the City of Kelowna shall reimburse existing users as at the date of adoption of this bylaw for the cost of installation up to a maximum of Fifty Dollars (\$50.00). In the case of a private water supply all costs, including the provision of the meter shall be at the cost of the user. Water user exclusively for fire fighting purposes in a separate sub-system, such as a sprinkler system, yard hydrants, etc., shall be excluded from the meter readings. Where a water meter has not been installed, or is not registering, or where the meter reader is unable to read the meter on his regular visit, the City of Kelowna may estimate the consumption.

BL6492 replaced Section 10 and BL8809 deleted Section 10 in its entirety.

BL9360, BL10927 and BL114369 amended Section 11:

11. Where Industrial / Commercial / Institutional users make a consumptive use of water which is not returned to the Sanitary Sewer system, and they meet the conditions established in Section 12, they may apply for adjustment of the monthly charges made under this bylaw by providing evidence by measuring the consumptive use that is not returned to the Sanitary Sewer system through the use of a Sewer Credit meter or alternate acceptable means satisfactory to the Utility Manager.

BL4246, BL4354, BL9360 amended Section 12:

12. For an application to be considered, for a customer wishing to obtain Sewer credit meter, the following conditions apply:
 - (a) Water used through the credit meter must be exclusively for irrigation or in an internal process where the water used will not return to the sewer, and the water use to be credited must be equal to or greater than 20% of the total amount of water supplied to the customer in an average month;
 - (b) In the circumstance where a sewer credit meter is allowed for internal use, the process must be such that the water used in the product must not be able to return to sewer. An inspector approved by the City must verify that this is the case before a credit is considered;
 - (c) The credit meter must be installed immediately before the irrigation pipe leaves the building or discharges to the product, to minimize any opportunity for water to be used from the same water line in a fixture that might discharge to sewer;
 - (d) The credit meter must be installed by the City or its authorized representative. The credit meter must be of the same type and of the same required size as the City standard water meter and the costs of installation, maintenance and repair are the responsibility of the customer. A non-standard or improperly calibrated or improperly placed meter will not be read and subsequently a credit will not be provided.

BL11352 added a new section 13 and BL12057 & BL12435 amended:

13. For each Sewer Credit Meter Users shall pay a flat rate charge as follows:

	2022	2023
Flat Rate per Month	\$5.55	\$5.77
Bi-monthly rate	\$11.09	\$11.54

14. The provisions of Section 4, 5, 6, 7, 8, 10, and 11 of this bylaw shall come into force and take effect on and after the First day of July, 1973. All other provisions of this bylaw shall come into force and take effect on the date of its adoption by the Municipal Council of the City of Kelowna.

BL8536 added a new Section 14, BL8809 (Mar 4/02) deleted Section 14.

15. This bylaw may be cited for all purposes as the "Sewerage System User Bylaw, 1972, No. 3480".

Read a first time by the Municipal Council this 30th day of October, 1972.

Read a second time by the Municipal Council this 30th day of October, 1972.

Read a third time by the Municipal Council this 20th day of November, 1972.

Received the approval of the Lieutenant-Governor-in-Council the 22nd day of March, 1973.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 2nd day of April, 1973.

"Hilbert Roth"

Mayor

"James Hudson"

City Clerk