

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 11641

A By-law to impose a specified charge on the owners of real properties within a benefitting area abutting 188 Street from Fraser Highway to 64 Avenue for use of the Municipal water distribution system.

.....

WHEREAS The Corporation of the District of Surrey (hereinafter referred to as The Corporation) has proposed to construct, operate and maintain water distribution system which will benefit residents in the area of 188 Street from Fraser Highway to 64 Avenue within the Municipality;

AND WHEREAS pursuant to Division (2), Part 14 of the Municipal Act being Chapter 290, R.S.B.C.," Surrey Water Main Extension Regulation By-law, 1992, No. [11345](#)," as amended, provides that where the Corporation has incurred capital costs in the expansion of the Waterworks System, such costs shall be recoverable in part or whole from each of the owners of the Benefitting Lands.

THEREFORE, the Municipal Council of The Corporation of the District of Surrey, in open meeting assembled, enacts as follows:

1. Benefitting Lands

The area of the Municipality for the special benefit of which the water distribution system is to be installed, operated and maintained is defined as comprising those legal parcels within the corporate boundaries as outlined in the attached Schedule "B" which is appended hereto as part of this By-law.

2. Application Process

(a) Each application for a service connection to a property within the benefitting area, identified on Schedule "B" attached to and forming part of this By-law shall be made to the Engineer by the owner or his authorized agent in the form prescribed by Schedule "A" attached to and forming part of this By-law. Such owner shall, on making application, pay to the Corporation a specified charge set out hereunder.

(b) Where possible the service connection will be located at the location requested by the applicant. In the event the applicant's preferred location is not practicable due to the existence of installed surface improvements or is in conflict with installed underground utilities, the Engineer shall designate the location of each service connection to each parcel of land or premises.

3. 'Specified Charge'

(a) A 'specified charge' in the sum of Four Thousand Three Hundred Dollars (\$4,300) for the provision of the water distribution system is hereby levied on the benefitting parcels of land, existing as well as future. The said sum, together with accrued financing charge described in 3(b) shall be payable by the owners of properties listed in Schedule "C" appended hereto as a part of this By-law, when the use of the distribution system is required by the owner.

(b) The said 'specified charge' shall incur an annual financing charge calculated at the compound rate of Eleven (11) percent per annum added on annually until the total sum due, as shown in the Table in Schedule 'C', is paid in full or for a period of ten years, whichever occurs first.

(c) At the time the property owner makes a formal application for the water connection to his lot, the owner shall be required to pay the 'specified charge', including the accrued financing charges and the connection charge prevailing on the date of the application.

(d) The said 'specified charge' shall terminate at the end of ten years and the prevailing connection charge in force and effect shall be applicable thereafter, when a person or a property within the Benefitting Lands makes application to use the water system.

4. Payment of Specified Charge by Installment

(a) (i) Notwithstanding the provision of Section 3 hereof, an owner may, at the time of application, elect to pay the charge amortized at 8 percent per annum to be payable in 5 equal annual installments, with the first installment becoming payable upon the property being connected to the water system. For the purpose of this sub-section, an annual installment shall be 23.2% of the charge set out in 3.(a) above.

(ii) In all cases where the charge becomes payable by installments pursuant to the provisions of this clause, the Engineer shall file with the Collector a certificate signed by the Engineer or his deputy, setting forth the property and particulars of the charge payable and the annual installments thereof.

(iii) Upon receipt of such certificate from the Engineer the Collector shall enter the said installments on the Tax Roll of the Corporation in accordance with the said certificate and this By-law.

(iv) All installments of the charge placed on the Tax Roll pursuant to this clause and remaining unpaid after the 31st day of December in any year shall be deemed to be taxes in arrears in respect of the parcels of land served by the water service connections and shall be recoverable by the Corporation as such.

(b) Notwithstanding any of the provisions of sub-section (a), any person who has elected to pay the specified charge, together with the accrued financing charge by installments as provided in 4(a)(i) may commute the said charges anytime by making the payment in cash in the sum of the outstanding aggregate principal amount without further interest of amortization and without any penalty.

(c) Nothing contained in this Section shall be deemed or held to exempt any owner or occupier of any land or premises from liability for payment of rates and charges imposed and levied for the repayment of the costs of constructing trunk mains, and pumping plants and equipment and the maintenance and operation thereof, or from liability for payment of the said rates and charges.

5. General Provisions

In all other respect the provisions of "Surrey Water Main Extension Regulation By-law, 1992, No. [11345](#)," as amended, will apply.

6. This By-law may be cited for all purposes as "Surrey Water Main Specified Charge Supplementary By-law, 1993, No. 11641".

PASSED THREE READINGS by the Municipal Council on the 18th day of January, A.D., 1993.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 1st day of February, A.D., 1993.

_____ Mayor

_____ Clerk