

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 1860

A bylaw to establish the Mabel Lake Sewer Utility,  
Electoral Area 'F'

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**WHEREAS** Section 796(1) [*General authority for services*] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, states that the Board of the Regional District of North Okanagan may operate any service that the Board considers necessary or desirable for all or part of the regional district;

**AND WHEREAS** Sections 796.2 [*General authority for services*], 518.1 [*General authorities in relation to services*] and 800 [*Establishing bylaws required for most services*] of the *Local Government Act* provides for the adoption of a bylaw to establish a new Regional District service;

**AND WHEREAS** the Board wishes to establish a sewer utility service in a portion of Electoral Area 'F' around the community commonly called 'Mabel Lake' which is part of the larger community known as 'Kingfisher';

**AND WHEREAS** on February 11, 1998 by Resolution No. 60/98 the Board supported the concept of a Greater Kingfisher Community Sewerage System as outlined in the "Kingfisher Wastewater Management Plan Stage II Report" (the 'Plan') dated November 1997;

**AND WHEREAS** on September 8, 1999 the Minister of Environment, Lands and Parks approved, in principle, the Plan in accordance with Section 18 of the *Waste Management Act*;

**AND WHEREAS** on May 16, 2001 the Assistant Regional Waste Manager raised no objection to the rezoning and development of certain lands at Mabel Lake on the periphery of the original Plan area; recognized that the proposed development of these lands would not compromise sewer treatment and disposal capabilities as outlined in the Plan; and stated that this development may well provide additional resources towards the implementation of the Plan;

**AND WHEREAS** pursuant to Section 18(9) of the *Waste Management Act*, the Board may adopt a bylaw for the purpose of implementing a waste management plan and this bylaw does not require the board to provide an opportunity for electors to petition against it; nor, the assent of the electors, a petition, an initiative plan or consent of the electors referred to in the *Local Government Act*;

**AND WHEREAS** pursuant to Section 797.4 of the *Local Government Act*, petitions have been received from property owners adjacent to the "Kingfisher Wastewater Management Plan" area who are desirous to join the Mabel Lake Sewer Utility as cited herein;

**NOW THEREFORE**, the Regional Board of the Regional District of North Okanagan, in open meeting assembled, ENACTS AS FOLLOWS:

### CITATION

1. This Bylaw may be cited as the "***Mabel Lake Sewer Utility Service Establishment Bylaw No. 1860, 2003***".

**DESCRIPTION OF SERVICE**

- 2. The service established by this Bylaw is limited to the operation, maintenance, improvement and upgrading of the Mabel Lake Sewer Utility for the properties within the boundaries of the service area identified in Schedule 'A'.

**ESTABLISHMENT OF SERVICE AREA**

- 3. The service of a sewer utility called the 'Mabel Lake Sewer Utility' is hereby established in Electoral Area 'F' with the service area as outlined in Schedule 'A' attached hereto and forming part of this Bylaw.
- 4. The Regional District is hereby authorized to undertake and carry out or cause to be carried out the provision of sanitary sewage disposal within the said service area.

**PARTICIPANTS**

- 5. The participants of this service are all owners of real property within the Mabel Lake Sewer Utility Service Area as outlined in Schedule "A" attached hereto and forming part of this Bylaw.

**COST RECOVERY**

- 6. The annual cost of providing the sewer utility service outlined in this Bylaw shall be recovered by the imposition of fees and other charges.
- 7. The requisition amount for providing the sewer utility service outlined in this Bylaw shall be nil.

**Read a First, Second and THIRD Time** this 2nd day of December, 2003

**Approved by Inspector of Municipalities** this 12th day of January, 2004

**Reconsidered, Finally Passed and ADOPTED** this 3rd day of February, 2004

  
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 Chair

  
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 Corporate Officer

