

REGIONAL DISTRICT OF KITIMAT-STIKINE
Bylaw No. 571

A bylaw to regulate the distribution and use of water and to control the standards of domestic and commercial plumbing systems connected to the Regional District's works.

The Board of the Regional District of Kitimat-Stikine, in open meeting assembled, enacts as follows:

PART 1 - INTERPRETATION

Interpretation:

1.1 In this Bylaw, unless the context otherwise requires:

"**Applicant**" means an owner of property or his or her agent making application for a Service Connection to provide him or her with a supply of water from the System;

"**Board**" means the Board of the Regional District;

"**Consumer**" means a person to whom water is supplied under this Bylaw;

"**Consumer Supply Line**" means the water supply pipeline and all valves, connections, taps, meters and other appurtenances connecting a Curb Stop at the property line to a Premises on the property of a Consumer;

"**Curb Stop**" means a shut-off valve installed by the Regional District with a protective housing to the surface of the ground;

"**Domestic Garden**" means an area of land cultivated for the purpose of growing vegetables, flowers, fruit and herbs for domestic purposes;

"**Dwelling**" means one or more rooms constituting a unit of living accommodation used or intended to be used for living and sleeping purposes and containing cooking facilities;

"**Ground Water Protection Regulation**" means the *Ground Water Protection Regulation 299/2004*, as amended, and its successor;

"**Household Equivalent**" means the basis of calculating water rates in respect of Premises that are not metered and estimated use is approximately equivalent to one Dwelling;

"**Household Use**" means the use of water for ordinary domestic activities customarily incidental to the residential use of land;

"**Irrigate**" means the use of water for sprinkling of Lawns and Domestic Gardens;

"**Lawn**" means an area of land typically planted with grass, and sometimes clover and other plants, which are maintained at a low, even height;

"**Manager**" means the Works and Services Manager or, in his absence, the Administrator of the Regional District;

"Parcel of Land" means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

"Premises" includes land, residential, commercial, industrial and institutional uses, buildings and structures;

"Regional District" means the Regional District of Kitimat-Stikine;

"Service Area" means the Service Area established by the Kitimat-Stikine Terrace Rural Water System Service Area Establishment Bylaw No. 563, 2008 or a bylaw that amends or replaces that Bylaw;

"Service Connection" means a pipe and all necessary valves, connections and other appurtenances necessary to and actually used to connect a Water Main to a Curb Stop at the property line;

"System" means the water distribution system owned and operated by the Regional District;

"Water Main" means the water supply pipeline in a highway, statutory right of way, easement or other tenure of land, being part of the System.

Application:

1.2 This Bylaw applies within the Service Area.

PART 2 - USE OF WATERWORKS SYSTEM

Authority:

2.1 The Regional District is authorized to and shall provide and maintain a water system, collect, store, distribute and sell water to Consumers within the Service Area for residential purposes, and for commercial purposes as can reasonably be provided.

Conditions of Supply:

2.2 It is a term and condition of the supply of water that the Regional District is not liable for any injury, damage or loss, including economic loss, to any person or property:

- (a) arising or occurring from the use of water from the System;
- (b) resulting from a failure of water supply to any Consumer; or
- (c) resulting from any impurity, lack of pressure, increased supply pressure, or other condition affecting water supplied by the System.

Illegal Connections:

- 2.3 (a) No person may connect or allow to be connected or allow to remain connected to the System any Parcel of Land or Premises, without first obtaining written authorization from the Manager in accordance with this Bylaw.
- (b) No owner or occupier of a Parcel of Land or Premises may divert or permit the diversion of water from the System for the benefit of any other Parcel of Land or Premises or for a purpose other than permitted at the time of approval.

Tampering With the System:

- 2.4 (a) No person may damage, destroy, uncover, deface or otherwise tamper with any part of the System.
- (b) No person may operate, remove or make any alteration or connection to any hydrant, standpipe, meter, Curb Stop, valve, pumping station, reservoir chamber, or other fixture or appurtenance connected to the System without first obtaining written authorization from the Manager in accordance with this Bylaw.

User Fees:

- 2.5 (a) The fees and charges in Schedule "A" and "B" of this Bylaw are imposed and levied for water service supplied by the Regional District.
- (b) A Parcel of Land or Premises not connected to a water meter shall pay user fees calculated in accordance with Schedule "A" and shall be billed semi-annually with payment due June 30 and December 31 of each year.
- (c) A Parcel of Land or Premises that obtains a supply of water measured by a water meter shall pay a water user fee based on water consumption as prescribed in Schedule "B" and shall be billed quarterly with payment due thirty (30) days after the date of invoice.
- (d) Non-receipt of an invoice for a fee or charge imposed under this Bylaw will not relieve the owner of a Parcel of Land or Premises from the obligation to pay the fee or charge.

Overdue Rates and Charges:

- 2.6 (a) An additional charge of 10% shall be imposed on overdue fees and charges owing under this Bylaw, on the day immediately following the date they fall due.
- (b) Any unpaid fees and charges due and payable in respect of a Parcel of Land or Premises on December 31 of any year shall be considered to be property taxes in arrears and shall be added to and become part of the property taxes in accordance with the *Local Government Act*.

Adjustment of Errors:

- 2.7 The Treasurer of the Regional District is authorized to adjust any errors in water fees and charges.

Water Use Conservation:

- 2.8 (a) An owner or occupier of a Parcel of Land or Premises in the Service Area must not use water except:
 - (i) for Household Use;
 - (ii) for the cultivation of a Domestic Garden and/or Lawn in connection with the residential use of a Dwelling;
 - (iii) in connection with a permitted home occupation; or
 - (iv) in connection with a permitted use at time of approval.

- (b) Subject to paragraph 2.8(c), and in addition to any other applicable restrictions, an owner or occupier of a Parcel of Land or Premises must not irrigate or cause to be irrigated a Lawn or Domestic Garden between 8:00 a.m. and 7:00 p.m. and shall irrigate in accordance with the following:
 - (i) odd numbered houses, on odd numbered days of the month only; and
 - (ii) even numbered houses, on even numbered days of the month only.
- (c) Hand watering of Domestic Gardens using a hand held garden hose with a working spring-loaded shut-off nozzle or a hand held container is allowed at any time.
- (d) In addition to the restrictions in paragraph 2.8(b), as required during periods of drought or other water shortage situation, the Board may bring into effect Stage I or Stage II temporary water use restrictions set out in Schedule "C" of this Bylaw. An owner or occupier of a Parcel of Land or Premises must not use water contrary to Stage I or II temporary water use restrictions set out in Schedule "C" of this Bylaw if they are in effect at the time of use.
- (e) A person must not waste water by:
 - (i) allowing water to run onto a driveway, highway or other surface;
 - (ii) allowing water to run onto an adjacent property;
 - (iii) continually running water in an attempt to prevent the freezing of a Customer Supply Line; or
 - (iv) by failing to repair a leak.
- (f) An owner of a Parcel of Land or Premises shall, at the request of the Regional District:
 - (i) install a water meter on any service or works for the purpose of determining water consumption; and
 - (ii) pay a water user fee payable under this Bylaw based on water consumption.

Obstruction of Access:

2.9 No person shall obstruct at any time or in any manner the access to any hydrant, standpipe, valve, Curb Stop, or other appurtenance or fixture connected to the System.

Disconnection For Illegal Connections:

2.10 The Regional District may, in accordance with section 2.11, disconnect any connection to the System made without the necessary permits or written authorization.

Termination of Water Supply:

- 2.11 (a) The Manager may, on thirty (30) days written notice sent to the Consumer order the disconnection of the water supply to any Consumer for:
 - (i) violation of any provision of this Bylaw;

- (ii) failure to meet or to maintain to the standard of the British Columbia Building Code the Consumer Supply Line and other plumbing on Premises owned or occupied by the Consumer that is connected to the System; or
 - (iii) failure to pay to the Regional District when due any fee, rate, charge, tax or any additional cost incurred by the Regional District in order to prevent the improper use of water after disconnection.
- (b) A notice to a Consumer under paragraph 2.11(a) may be given by registered mail:
- (i) to the address of the Consumer on the application for connection;
 - (ii) as changed by the Consumer, giving notice to the Regional District; or,
 - (iii) in the case of a disconnection under section 2.10, to the address appearing on a title search of the parcel.

and will be deemed to have been received five (5) days after mailing.

- (c) The Manager may order the immediate disconnection of the water supply to any Consumer if the Manager has reason to believe that the condition of a Consumer Supply Line poses a reasonable threat of contamination to the water supplied by the System.
- (d) The Regional District may shut off at any time any part of, or all of the System to permit repair, renewal, operation or maintenance and to prevent injury or damage or further injury or damage to persons or property.

PART 3 - SERVICE CONNECTIONS AND CONNECTION FEES

Application for Service Connection:

- 3.1
- (a) An owner who wishes a Service Connection to the System must make an application in writing to the Regional District and make arrangements for payment of the fees and charges required under this Bylaw.
 - (b) The application must be made on the form provided for that purpose and be signed by the Applicant.
 - (c) The Regional District may refuse a Service Connection where the plumbing within any Premises to be served by the Service Connection does not meet the British Columbia Building Code.
 - (d) Service Connections shall not be made except to Premises and Parcels of Land within the Service Area.

Connection Charge:

- 3.2 An owner of a Parcel of Land or Premises in the Service Area, shall pay as a condition of connection to the System the Connection Charge as prescribed in Schedule "D".

Service Connection Fee:

- 3.3 The Applicant shall pay the Service Connection Fee payable as prescribed in Schedule "D", where applicable.

Individual Connection:

- 3.4 Each Parcel of Land or Premises connected to the System after the date of adoption of this Bylaw must have its own Service Connection installed by the Regional District.

Water Meters:

- 3.5 (a) An owner of a Parcel of Land or Premises shall install a water meter purchased from the Regional District on all Service Connections installed after the date of adoption of this Bylaw.
- (b) Water meters must be installed, used and maintained by the owner of a Parcel of Land or Premises at the owner's expense.
- (c) A water meter must be sized appropriately for the Service Connection and installed downstream of the Curb Stop prior to any use or any other fixtures on the Service Connection.
- (d) The owner of Premises or a Parcel of Land or Premises served by a Service Connection that includes a water meter must ensure that the meter is accessible for reading and must not tamper with or cause damage to the meter.

Limit to Approval:

- 3.6 An approval of a Service Connection is valid only in respect of the Parcel of Land and / or Premises described in the application made under section 3.1 of this Bylaw, and the owner or occupier must not make any further or future connection of any other Parcel of Land or Premises without making a new application. If the new Service Connection requires an extension of the System, the extension will be governed by Part 5 of this Bylaw.

Service Connection Location:

- 3.7 Where possible, a Service Connection will be located where requested by the Applicant. If the Applicant's requested location will result in additional costs, or is not practical due to unsuitable ground conditions or the existence of installed surface improvements or underground utilities, the Manager may designate the location of the Service Connection.

Size of Service Connection:

- 3.8 The minimum inside diameter of the piping forming part of the Service Connection shall be nineteen (19mm) millimetres.

Installation:

- 3.9 (a) Service Connections will consist of a Regional District main stop in the pipeline, terminating with a ground key Curb Stop at the property boundary or at a point within the highway right of way or other easement.
- (b) A Service Connection or Curb Stop shall not be installed on a Parcel of Land owned by the Applicant until the Applicant has first granted to the Regional District an appropriate legal right of way for any portion of the System located on the Applicant's land.

Older Buildings:

- 3.10 (a) Despite paragraph 3.1(c), where a building was substantially constructed prior to 1966, the Regional District may approve a Service Connection provided that the owner installs a pressure reducing valve in accordance with paragraph 4.1(b) and completes at his or her cost any other plumbing work considered necessary by the Regional District to prevent unreasonable water waste.
- (b) Where a Service Connection is permitted under paragraph 3.10(a), the owner must carry out any subsequent repairs or renewal of the plumbing system to the standard of the current British Columbia Building Code.

PART 4 - CONSUMER SUPPLY LINE

Installation:

- 4.1 (a) A Consumer Supply Line on private property shall be of a type that meets or exceeds the Regional District's guidelines and with a recommended working pressure rating of not less than 1035 kpa (one hundred and fifty (150) pounds per square inch) installed in accordance with the British Columbia Building Code and shall be installed by the owner entirely at his or her own expense.
- (b) The owner shall install:
- (i) a water meter in accordance with section 3.5;
 - (ii) a pressure reducing valve immediately downstream from the water shut-off valve on the Service Connection prior to any other fixtures on the Service Connection; and
 - (iii) a water shut-off valve.
- (c) Subject to paragraph 4.1(e), a Consumer Supply Line must be buried in a trench so that there is a minimum of 2 metres between the top of the line and the natural surface grade of the land.
- (d) A Consumer Supply Line must be approved by the Regional District prior to back fill and connection to the Curb Stop on the Service Connection at the property line.
- (e) Where a Consumer Supply Line runs across land that is subject to conditions that make a bury depth of 2 metres unduly difficult, such as irregular topography, conflicts with other utilities or the presence of groundwater, the Manager may accept an equivalent bury depth through the use of suitable pipe insulation, as determined by the Manager.

Turn-On and Turn-Off:

- 4.2 (a) To facilitate repairs to a Consumer Supply Line, the Regional District may, upon request and at its earliest convenience, turn off or turn on the water supply at the Curb Stop.
- (b) The Consumer must pay to the Regional District within thirty (30) days of invoice from the Regional District the turn off/turn on fee prescribed in Schedule "D" of the Bylaw.

- (c) No person except an employee, contractor or agent of the Regional District in the course of his or her duty shall turn a Curb Stop off or on.

Abandonment:

- 4.3 When a serviced Parcel of Land or Premises is abandoned and the owner of the Parcels of Lands or Premises wishes to discontinue the water supply the owner shall notify the Regional District and the Regional District may, at its earliest convenience, turn off the water at the Curb Stop and disconnect and cap-off the Consumer Supply Line. The owner shall pay the turn-off fee prescribed in Schedule "D" of this Bylaw within thirty (30) days of invoice from the Regional District.

Frozen Water Line:

- 4.4 A Consumer shall take all reasonable precautions to ensure that a Consumer Supply Line does not freeze. An owner may request turn-offs for dwellings left unoccupied during winter months and turn-ons when required for reoccupation and the owner shall pay the turn on/turn off fees prescribed in Schedule "D".

Independent Water Supply:

- 4.5 (a) A Consumer who has a source of water supply independent from the Service Connection of the Regional District shall not connect or cause to be connected any portion of the independent water supply distribution works to a Consumer Supply Line or any other pipe or other facility that is connected to the Service Connection or the System.
- (b) A Consumer with one or more water wells on his or her Parcel of Land or Premises must deactivate or close each well in accordance with applicable legislation and regulations including the *Ground Water Protection Regulation*, including:
 - (i) in the case of a closed well, providing proof of closure, by completing a well closure report as required under the *Ground Water Protection Regulation*, within one year of connection to the System; or
 - (ii) in the case of deactivation, confirming that the well will continue to be used, but that the well is not connected to the System and that the well is:
 - (a) securely capped;
 - (b) protected at the wellhead; and
 - (c) identified by attaching and maintaining a well identification plate on the well in accordance with the minimum standards in the *Ground Water Protection Regulation*.

Maintenance:

- 4.6 The Consumer shall at his or her cost maintain the Consumer Supply Line and plumbing on the Consumer's Premises in good repair.

PART 5 - WATERWORKS EXTENSIONS

Extension Applications:

- 5.1 An owner of a Parcel of Land or Premises in the Regional District who wishes an extension to the System must make a written application to the Regional District.

Construction of Extensions:

- 5.2 (a) If an owner of a Parcel of Land or Premises wishes to proceed with an extension to the System which has been approved by the Regional District, the extension to the System must, prior to connection to the System, be:
- (i) installed by the owner or the Regional District or its contractor entirely at the owner's expense or at a shared cost determined by the Regional District;
 - (ii) constructed in accordance with the plans and specifications of the Regional District or its agent or plans and specifications approved by the Regional District or its agent;
 - (iii) inspected by the Regional District or its agent prior to backfilling, if installed by the owner; and
 - (iv) approved by the Regional District or its agent.
- (b) The extension to the System shall extend from the most convenient existing Water Main of the System having sufficient surplus capacity to at least a point opposite the nearest boundary of the last Parcel of Land or Premises to be serviced by the extension to the System.

PART 6 - MISCELLANEOUS

Right of Entry for Inspection:

- 6.1 The Manager or Bylaw Enforcement Officer of the Regional District may enter, at all reasonable times, on any property subject to this Bylaw to ascertain whether the regulations of this Bylaw or the directions of the Manager pursuant to this Bylaw are being observed.

Offence:

- 6.2 A person who violates any of the provisions of this Bylaw or who does any act or omits to do anything or who suffers or permits any act to be done in contravention or in violation of this Bylaw commits an offence.

Penalty:

- 6.3 (a) A person who commits an offence under this Bylaw is liable on summary conviction to a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for a first offence and for each subsequent offence to a fine of not less than two hundred (\$200.00) dollars and not more than two thousand (\$2,000.00) dollars.
- (b) The penalties imposed under paragraph 6.3(a) hereof shall be in addition to, and not in substitution for, any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

This Bylaw may be cited for all purposes as "Kitimat-Stikine Terrace Rural Water Rates and Regulation Bylaw No.571, 2010".

READ a first time this 25th day of June, 2010.

READ a second time this 25th day of June, 2010.

READ a third time this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chair

Administrator

SCHEDULE "A"
USER RATE – HOUSEHOLD EQUIVALENTS

<u>Category/Use</u>	<u>Annual Charge – 2.5(b)</u>
Dwelling unit	\$200.00
Commercial or Industrial	
• first 200 sq. metres of floor space or part thereof	\$200.00
• each additional 200 sq. metres or part thereof	\$200.00

*User Rates do not apply to metered customers unless their meter malfunctions. See Schedule B for applicable charges.

**Where two or more categories or uses apply to a single Premises or Parcel of Land, a separate rate for each such category or use will apply.

***Where a Parcel of Land or Premises does not fall within one of the categories or uses listed in this Schedule, the applicable user rate shall be determined by reference to the Household Equivalent for that Parcel of Land or Premises.

CERTIFIED a true and correct copy of Schedule "A"
to Kitimat-Stikine Terrace Rural Water Rates
and Regulation Bylaw No.571, 2010

Administrator

Chair

SCHEDULE "B"
METERED RATE*

<u>Category</u>	<u>Charge – 2.5(c)</u>
For each cubic meter of water	\$0.38

*In the event that a meter malfunctions and becomes inoperable or is otherwise not in a condition to render an accurate and reliable reading, the owner shall pay fees based on the historical use equivalent of that meter as though that meter was in good working order. If there is less than 1 full year of historical data available, the user fees in Schedule "A" shall apply and be charged and payable on a prorated basis until the meter is operational and can provide accurate and reliable readings, as determined by the Manager.

CERTIFIED a true and correct copy of Schedule "B"
to Kitimat-Stikine Terrace Rural Water Rates
and Regulation Bylaw No. 571, 2010

Administrator

Chair

SCHEDULE "C"
WATER USE RESTRICTIONS

Stage 1.

1. In addition to the water use restrictions set out in Part 2 of this Bylaw:
 - (a) A Consumer may irrigate lawns, and domestic gardens only once per week between 4:00 a.m. and 8:00 a.m., and 7:00 p.m. and 10:00 p.m., and may irrigate lawns and domestic gardens to a maximum depth of one (1) inch of water only per week; and
 - (b) A Consumer must not do or cause to be done the following:
 - (i) fill swimming pools;
 - (ii) wash exterior building surfaces except by hand using a pail or other hand held container; or
 - (iii) wash down driveways, patios or other hard landscape surfaces.

2. Despite section 1 of this Schedule a Consumer may:
 - (a) Irrigate newly seeded or sodded lawns planted or installed no more than three weeks before the imposition of the water restrictions for no more than three weeks following the date of imposition of the water restrictions and, thereafter in accordance with Section 1;
 - (b) Irrigate new trees and shrubs during planting and for the following 24 hours; provided that a person must not plant more than six new trees or shrubs on a parcel while water restrictions are in effect;
 - (c) Use drip irrigation or hand water domestic gardens at any time.

Stage II

In addition to the water use restrictions set out in Part 2 of the Bylaw a Consumer must not:

- (a) Irrigate Lawns and Domestic Gardens except by hand watering;
- (b) Top up or add any water to a swimming pool;
- (c) Wash exterior surfaces of buildings;
- (d) Wash driveways, patios or other hard landscape surfaces.

CERTIFIED a true and correct copy of Schedule "C"
to Kitimat-Stikine Terrace Rural Water Rates
and Regulation Bylaw No. 571, 2010

Administrator

Chair

SCHEDULE "D"
FEES AND CHARGES

<u>Category</u>	<u>Charge</u>
Connection Charge [section 3.2]	
In the year 2010	\$1,000.00
In the year 2011	\$2,000.00
In the year 2012	\$3,000.00
In the year 2013	\$4,000.00
In the year 2014	\$5,000.00
In the year 2015	\$6,000.00
In the year 2016	\$7,000.00
In the year 2017	\$8,000.00
In the year 2018	\$9,000.00
In the year 2019	\$10,000.00
In the year 2020	\$11,000.00
In the year 2021	\$12,000.00
In the year 2022	\$13,000.00
In the year 2023	\$14,000.00
In the year 2024	\$15,000.00
In the year 2025	\$16,000.00
In the year 2026	\$17,000.00
In the year 2027	\$18,000.00
In the year 2028	\$19,000.00
In the year 2029	\$20,000.00
Service Connection Fee - 19 mm [section 3.3]	\$3,200.00
Service Connection Fee - Greater than 19 mm [section 3.3]	Cost * (Minimum \$3,200.00)
Service Connection Fee – Newly created Parcel of Land[Section 3.3]	Cost* (Minimum \$3,200.00)
Service Connection Fee (Winter***) [section 3.3]	Cost* (Minimum \$3,200.00)
Turn On and Turn Off [sections 4.2, 4.3 and 4.4]	\$20.00 (\$55.00 after hours**)

*Cost means the actual cost of installing the Service Connection, at the rates charged for Regional District staff, plus the cost of pipe and other fittings, the charges for equipment hired by the Regional District and contractors engaged by the Regional District to carry out the work in relation to the Service Connection plus an administration charge of 10%.

**After hours include: Monday to Friday, 4:30 p.m. to 8:00 a.m.; Weekends; Statutory Holidays.

*** "Winter" means typical adverse winter conditions, such as frozen ground, that increase the Regional District's Cost.

CERTIFIED a true and correct copy of Schedule "D"
to Kitimat-Stikine Terrace Rural Water Rates
and Regulation Bylaw No.571, 2010

Administrator

Chair