

REGIONAL DISTRICT OF KOOTENAY BOUNDARY

BYLAW NO. 1411

A Bylaw to regulate the operation of the Beaver Valley Waterworks and to provide for the imposition of a charge against the owner or occupier of real property for the use of or ability to use the water system within the Beaver Valley Waterworks Local Service Area.

WHEREAS the Regional District of Kootenay Boundary has been granted Supplementary Letters Patent dated April 26, 1986 that confers the establishment of the Beaver Valley Water Supply System to the Regional District of Kootenay Boundary;

AND WHEREAS Part 24 of the *Local Government Act* gives a Regional District the authority to establish and operate a local service for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS Part 24 of the *Local Government Act* gives a Regional District all necessary power to do anything incidental or conducive to the exercise or performance of its power;

AND WHEREAS Section 803 of the *Local Government Act* authorizes a Regional District to recover annual servicing costs of a local service by the imposition of fees and other charges;

AND WHEREAS Section 803 of the *Local Government Act* authorizes a Regional District to base a fee or charge on any factor, and to set different fees and charges on different classes of persons, classes of property or types of land use and to establish terms and conditions of payment as specified by bylaw;

NOW THEREFORE BE IT RESOLVED that the Board of the Regional District of Kootenay Boundary, in open meeting assembled, enacts as follows:

1. There is hereby imposed and levied a water user charge against the owner or occupier of land or real property whose property is connected to the Beaver Valley Waterworks System within the Beaver Valley Waterworks Specified Area, and the Director of Corporate Administration shall classify each consumer in accordance with the categories set out in Schedule 'A', attached to and forming part of this bylaw.
2. The Beaver Valley Water Works local service shall be regulated as specified in Schedule 'A' as attached and forming part of this bylaw.
3. User charges, consumption rates, payment terms and conditions may be imposed as set out in Schedule 'B' as attached and forming part of this bylaw.
4. Bylaw No. 1365 cited as the "Beaver Valley Waterworks Local Service Area Service Rates Bylaw No. 1365, 2008" is hereby repealed.
5. This bylaw may be cited for all purposes as the "Beaver Valley Waterworks Local Service Area Service Rates Bylaw No. 1411, 2009".

INTRODUCED this 30th day of April, 2009.

Read a **FIRST** time this 30th day of April, 2009.

Read a **SECOND** time this 30th day of April, 2008.

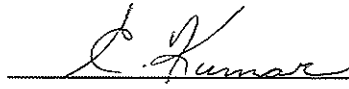
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Read a **THIRD** time this 30th day of April, 2009.

RECONSIDERED AND FINALLY ADOPTED this 30th day of April, 2009.

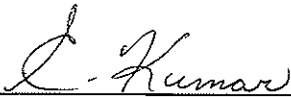


Chair



Director of Corporate Administration

I, Elaine Kumar, Director of Corporate Administration, do hereby certify the foregoing to be a true and correct copy of Regional District of Kootenay Boundary Bylaw No. 1411 cited as the "Beaver Valley Waterworks Local Service Area Service Rates Bylaw No. 1411, 2009" as reconsidered and finally adopted this 30th day of April, 2009.



Director of Corporate Administration

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SCHEDULE 'A'

In this Bylaw unless the context other requires:

"Applicant"

Means an owner or his agent making application for a water service connection and from whom the Regional District may expect to receive revenue on a continuing basis for this service.

"Board"

Means the Board of Directors of the Regional District of Kootenay Boundary

"Building Inspector"

Means the Building Inspector of the Regional District of Kootenay Boundary and his duly authorized representatives.

"Capable of Connection"

means that the parcel of land abuts a street, lane, public right-of-way or easement upon or under which there is a water main of a size and capacity acceptable to the Regional District or the Operator for the proposed use and if, in the opinion of the Regional District, no other physical or topographical conditions make the connection impossible or uneconomical.

"Collector"

Means the Collector of the Regional District duly appointed pursuant to the provisions of the *Local Government Act* or the duly appointed agent for the Regional District.

"Consumer"

Means any person to whom water is supplied by the Regional District.

"Curb Stop"

Means a shut off valve installed by the Regional District or its Operator on a service connection with a protective housing to the ground surface. The curb stop is located on the main side of the property line.

"Distribution System"

Means all mains and appurtenances thereto including fire hydrants, pumping stations, reservoirs, pressure reducing stations, meters and service connections installed within any highway, Regional District right-of-way or easement or Regional District property.

"Discount Date"

Means the final and last day on which the prompt payment discount shall apply.

"Director of Corporate Administration"

Means the employee of the Regional District appointed by the Board to the position of Director of Corporate Administration

"Dwelling Unit"

means one or more rooms consisting of a unit of living accommodation used or intended to be used for living and sleeping purposes and containing a sink and cooking facilities.

"Fire Chief"

Means the Regional Fire Services Chief of the Regional District of Kootenay Boundary or his duly authorized representative.

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"Fire Hydrant"

Means a device equipped with special threaded connections installed by the Regional District or its Operator within a highway, road or street, right-of-way, easement or on Regional District or municipal property and connected to a water main to supply water for fire protection purposes.

"Main"

Means a pipe including valves, fittings and other appurtenances other than a service connection, pumping station, treatment plant or reservoir in the water distribution system.

"Meter"

Means a device used to measure and indicate the volume of water passing through the device.

"Metered Accounts"

Means those accounts billed monthly or for any other period established from time to time and of which the water consumption is measured through a device commonly known as a water meter.

"Occupant"

Shall have the meaning assigned to it by Part 1.1 of the *Local Government Act*.

"Operator"

Means the person or persons, corporation or agency to whom the Regional District of Kootenay Boundary contracts, instructs, or appoints to operate the Beaver Valley Waterworks.

"Owner"

Shall have the meaning assigned to it by Part 1.1 of the *Local Government Act*.

"Person"

Means and shall include not only a natural person but also a Corporation, Firm or Partnership.

"Regional District"

Means the Regional District of Kootenay Boundary.

"Service Connection"

Means a pipe and the necessary valves and protective boxes, connections, thaw wires, and any other materials necessary to and actually used to connect the water main to a curb stop.

"Sprinkling"

Means the pouring of water by means of any hose, sprinkling device, water pot or other utensil upon or under the surface of gardens, lawns and all other grounds or upon any roof.

"Water Service"

Means a pipe including all valves, connections, taps and meters connecting a curb stop to the house or building.

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"Waterworks"

Means the entire waterworks system of Beaver Valley Waterworks Local Service including, but not limited to, the intake, purification and treatment, transmission and distribution, pumping and storage systems and further including subterranean and surface vessels, structures, buildings, fixtures and stationary and mobile equipment.

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PART II - USE OF WATERWORKS SYSTEM

2.1 Tampering with the Waterworks

No person shall make any connection to the waterworks or in any way tamper with, operate, remove, or make any alteration to any hydrant, meter, curb stop, valve, pumping station, reservoir, chamber or other fixture or appurtenance connected with the waterworks without first obtaining written permission from the Regional District or its Operator, or for the use of a hydrant, written permission from the Fire Chief. No person shall, without lawful excuse, break, damage, destroy, uncover, deface, mar or tamper with any part of the waterworks.

2.2 Liability

It is a condition of the supply of water that:

- (a) In the event that the supply of water to any consumer shall fail, whether from natural causes or accident or from any other causes whatsoever, the Regional District shall not be liable for damage by reason of such failure.
- (b) The Regional District shall not be liable for any injury or damage to any person or property arising or occurring from the use of water from the waterworks.
- (c) The Regional District does not guarantee that water supplied by it is free of any impurity that would affect a manufacturing process or any other use of equipment and devices.

2.3 Termination of Water Supply

The Regional District may order the termination of the water supply to any consumer on thirty (30) day's written notice for violation of any of the provisions of this Bylaw, for failure to maintain the water service pipe in good condition without any leaks, for the non-payment of rates or rents when due, or for refusing to provide for the proper installation of a water meter, or when, in the opinion of the Board, the public interests require such action.

2.4 Sale of Water

It shall be unlawful for any consumer to sell, waste, dispose of or give away Regional District water for use other than on his premises or permit it to be taken or carried away by any person or persons unless such consumer is on a metered account and is conducting a business from the premises concerned in compliance with the Bylaws of the Regional District or permission in writing has been granted by the Regional District.

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2.5 Water Use Restrictions

- (a) In the event of a water supply shortage, due to any reason whatsoever, the Regional District or the Regional District's Operator may issue a notice prohibiting, restricting, or limiting the use of water by any or all of the consumers or fixing the days and hours upon or during which sprinkling shall be allowed or to prohibit such sprinkling. Such notice shall be sufficiently given if delivered in writing, or broadcast by the local radio or television station, or advertised in at least two consecutive issues of a newspaper circulated in the service area. Any person who refuses or fails to abide by such prohibition, restriction or limitation contained in the notice shall be deemed to have contravened this Bylaw.
- (b) No person shall use water for cooling in air conditioning units until application has been made in writing to the Regional District and permission in writing has been granted to do so. The use of such equipment will not be permitted unless a water cooling tower is installed to prevent waste of water and a meter has been installed where such was not the case before application was made.

PART III - SERVICE CONNECTIONS

3.1 Illegal Connections

No person shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the waterworks any property or premises otherwise than in accordance with the provisions of this Bylaw.

3.2 Connection Application

Each application for a service connection shall be made to the Regional District or its Operator by the owner or his authorized agent in the form prescribed. Such applicant shall, on making application, pay to the Regional District the applicable connection fee prescribed in Schedule 'B'. If the connection is practicable; the Regional District or its Operator shall, within ninety (90) days, weather permitting, provide and install a service connection to the applicant's property. If such connection is not practicable, the Regional District or its Operator shall so notify the applicant within sixty (60) days and the Regional District shall refund the charges or fees paid by the applicant.

3.4 Connection Location

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 Regional District shall designate the location of each service connection to each parcel of land or premises.

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3.5 Size of Service Connection

The minimum inside diameter of a service connection shall be as specified by the Provincial Plumbing Code. The sizes of service connection for any premises shall be approved by the Building Inspector. If the requested service connection exceeds the then available capacity of the waterworks, the Regional District may limit the size of the connection.

3.6 Depth of Bury

The minimum depth of bury of the service connection below finished ground elevation shall be four (4) feet unless specifically authorized to the contrary by the Regional District.

3.7 Maintenance of Service Connection

In the event a defect is suspected in the service connection or water service, the consumer shall immediately notify the Operator and the Operator will, as soon as practicable, operate the curb stop and determine thereby if the defect exists in the water service or in the service connection. If the defect is determined to be located in the service connection, the Operator shall repair the defect at no cost to the consumer.

If the defect is determined to be in the water service, the property owner shall effect the necessary repairs within ten (10) days. Should the consumer insist that the defect is in the service connection and not in his water service, he shall deposit with the Regional District a sum of money equal to fifty percent (50%) of the cost of a new connection to cover the cost of excavation and backfilling for inspection purposes. In the event the defect is found in the service connection, the Operator shall carry out repairs and return the deposit to the consumer. If there is no fault or defect found in the service connection, the consumer shall forfeit that portion of the deposit in the amount equal to the actual cost of the work, any surplus being returned to the consumer.

PART IV - WATER SERVICES

4.1 Plumbing Code

Water services on private property shall be installed in accordance with the Provincial Plumbing Code and shall be constructed by and at the expense of the owner, and shall be approved by the Building Inspector prior to connection being made to the water service at the property line. The Regional District shall install that portion of the water service between the curb stop and property line. Any fittings required to join the water pipe to the applicant's shall be the applicant's responsibility.

The Regional District may disconnect service to plumbing that does not conform to the Provincial Plumbing Code or any Regional District or Municipal Plumbing Bylaw.

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4.2 Maintenance

The water service shall be maintained by the property owner at his sole expense. In the event any defect is suspected in the service connection or water service, the consumer shall immediately notify the Operator and the Operator will, as soon as practicable, arrange to operate the curb stop and determine thereby if the defect exists in the water service or in the service connection. If the defect is determined to be in the water service, the property owner shall effect repairs within ten (10) days.

In order to facilitate repairs to the water service, the Operator will upon request and at its earliest convenience, during normal working hours, open or close the curb stop and the fee for such turn on or turn off shall be as provided in Schedule 'B' of this Bylaw. If the property owner requires a curb stop to be operated during hours when the Operator's waterworks personnel are not normally on duty, the owner shall be billed the actual costs involved in calling out crews and operating the valve. In the event the property owner refuses or neglects to carry out repairs within the specified time, the Operator may, by his workmen or others, have the work done at the expense of the owner, and the Regional District may recover the cost thereof with interest at a similar rate as that charged for user charges in arrears as provided in Schedule 'B' of this Bylaw.

4.3 Initiation and Cessation of Supply

When an owner wishes the water supply turned on or off at the curb stop, the owner shall advise the Operator and the Operator will carry out the work at the Operator's convenience and the fee for such turn on or turn off shall be as provided in Schedule 'B' of this Bylaw.

4.4 Abandonment

When any water service is abandoned, the owner or his agent shall notify the Regional District or its Operator and the Operator shall cut off the service connection at the junction with the main. The owner shall be liable for the abandonment charge specified in Schedule 'B' of this Bylaw.

4.5 Frozen Service

Pursuant to Section 4.2 if it is determined that the defect is a frozen water service, it is the owner's responsibility to thaw the pipe. On further application to the Regional District and with the approval of the Provincial Inspector of Electrical Energy, the owner or his agent may connect a source of electricity to the curb stop in order to complete an electrical circuit to thaw his water service. The consumer shall be fully responsible for any damage caused by this thawing method.

The Operator may, at his convenience, and following the owner's application, thaw the water service at the rate specified in Schedule 'B' of this Bylaw. Priority shall always be given to thawing any frozen service connections before any water services.

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4.6 Alternate Water Supply

In the event an owner has an alternate or auxiliary water supply source other than the Waterworks service connection, he shall not connect or in any way cause to be connected any portion of the alternate or auxiliary water supply distribution system with the distribution system supplied by the service connection. On application to the Regional District in writing, special permission may be given to cross connect the two systems provided all requirements of the Regional District with respect to water quality, disinfection procedures and equipment, back flow protection devices and maintenance of such devices and equipment are met.

In the event an owner has more than one Waterworks service connection from different distribution system pressure zones, the owner shall install back flow prevention devices satisfactory to the Regional District on each service connection and shall maintain said devices.

4.7 Swimming Pools

Swimming pools must be filled prior to June 15 of the current year.

4.8 Check Values

All water tanks are to be equipped with check valves.

4.9 Shut Off Valves

Property owners are responsible for keeping shut off valves visible.

4.10 Back Flow Prevention

Underground irrigation systems shall be equipped with back flow prevention devices. The installation of an underground irrigation system shall be approved by the Building Inspector prior to connection to the waterworks.

4.11 Plumbing Standard

The Regional District shall at all times retain the right to disconnect service without notice to plumbing that it is not in compliance with the Provincial Plumbing Code, is not of sufficient quality or standard or represents a possible hazard to health or safety, or a possible danger to the waterworks.

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PART V - METERS

5.1 Installation of Meters

If instructed by the Regional District, all commercial, industrial, residential and institutional consumers shall install at their expense a water meter and strainer complete with bypass and isolation valves if required in a location easily accessible to the Operator for inspection and reading of the meter. Where the service is to be a single building, the meter may be located within the building as close as possible to the entrance point of the water service into the building and before any take off points.

If the water service is a distribution system to more than one building or structure, the meter shall be located upstream of any distribution point and as close as possible to the property line, and the water supply should go through one of the buildings to be metered. If no building or structure exists at the location where the meter is to be installed, the property owner shall be responsible for constructing the meter vault in accordance with the standard issued by the Regional District.

5.2 Meter Size and Supply

The Regional District shall determine the size of meter required and the Regional District shall supply the meter and strainer, with the meter remaining the property of the Regional District.

5.3 Access to Meter

The consumer shall supply access to the water meter for the purpose of reading the meter and for maintenance during the Operator's normal working hours. Failure to provide this access for meter reading shall result in an extra charge per call.

In the event convenient access cannot be supplied, the Operator shall, by its workmen or others, install suitable remote reading equipment at the expense of the owner. On failure to pay such costs within thirty (30) days of invoice, the Regional District shall recover the expense thereof with interest at a similar rate as that charged user charges in arrears as provided in Schedule 'B'.

5.4 Operation of Bypass

No person shall in any way tamper with, operate or remove the water meter or sealed bypass valves after installation without first obtaining the permission of the Regional District.

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PART VI - CHARGES FOR SERVICE

6.1 Connection and Abandonment Fees

The owner or his agent shall, on making application for a service connection, a turn on or turn off or the abandonment of a service connection, pay to the Regional District applicable fee prescribed in Schedule 'B' attached hereto and forming part of this Bylaw.

6.2 Fee Added to Taxes

Connection, water user, penalties, turn on, turn off or abandonment fees not paid on or before the thirty first day of December in any year shall be deemed to be taxes in arrears in respect of the parcels of land served by the said service connection and such sum shall be recoverable under the *Local Government Act*.

6.3 User Rate

The owner or occupier of real property shall pay in addition to all other rates, charges and fees for the use of the waterworks the amounts specified in Schedule 'B' of this Bylaw. The several rates enumerated in Schedule 'B' hereto are hereby imposed and levied by the Regional District and all such rates shall be payable at the office of the Regional District or its duly appointed agent or any other place authorized and designated by The Board on or before the date specified in Schedule 'B' and shall form a charge on the lands and improvements to or upon which the service connection is made and if the rates imposed during any one calendar year remain unpaid after the thirty-first day of December, they shall be entered upon the tax roll as taxes in arrears.

The user rates as specified shall be applied on the date the water turn on or turn off is made and in the case of unmetered accounts the rate charged for the first and the final billing period shall be prorated to the nearest full month of service.

PART VII - WATERWORKS EXTENSIONS

7.1 Extension Application

- (a) All applications for distribution system extensions shall be made in writing to the Regional District by the owner or owners of the property to be served by such extensions.
- (b) Notwithstanding anything in this Bylaw contained, the Board may refuse any application for a waterworks extension should it consider the Regional District share of costs to be excessive, or should the existing waterworks trunks or mains be inadequate to supply the area in question, or if it is considered technically necessary to install a second water main thereby causing the Regional District share of the costs to be excessive. The option, however, shall be open to the applicant to pay whatever extra costs may be involved and, if deemed equitable by the Board, it may then approve such application.