

**THE CORPORATION OF THE CITY OF FERNIE
BRITISH COLUMBIA**



**WATER WORKS BYLAW
NO. 2485, 2023**

This Bylaw is enacted under
the authority of
The Corporation of The City of Fernie

WATER WORKS BYLAW NO. 2485, 2023

A Bylaw to ensure the safety, security, charges and conditions for the supply of water by the City of Fernie.

WHEREAS the Municipal Council of the Corporation of the City of Fernie has the authority to regulate, the municipal water system, including the conservation of water supplied by the municipal water system in relation to buildings pursuant to the *Community Charter*.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie, in open meeting assembled, enacts as follows:

PART 1 INTERPRETATION AND ADMINISTRATION

1.1 This Bylaw may be cited for all purposes as the “Water Works Bylaw No. 2485, 2023.”

Interpretation

1.2 In this Bylaw:

“AT COST” means all associated costs related to the completion of the task incurred by the municipality;

“AUTOMATIC SHUT-OFF DEVICE” means a device attached to a water hose that shuts off the supply of water automatically unless hand pressure is applied to operate the device;

“BACKFLOW” means a flow of water or other liquid, gas or solid from any source in a backward or reverse direction into the water system, caused either by back pressure or back siphonage;

“BACKFLOW PREVENTER” means an assembly, device or method used to prevent backflow from entering the water system;

“BACKFLOW PREVENTION ASSEMBLY” means a backflow preventer assembled as a unit that includes shutoff valves and test cock(s);

“BLEEDER VALVE” means a device that maintains a small flow of water into a property to maintain water flow and reduce the risk of the water line freezing;

“BYLAW OFFICER” means any employee appointed as a Bylaw Officer of the City;

"BUILDING SITE" means Premises containing:

- (a) a building under construction and not previously occupied, or
- (b) an existing building being renovated where the estimated value of the construction is more than the greater of \$95,000 or 100% of the building's latest assessed value according to the records of the British Columbia Assessment Authority;

“CERTIFIED BACKFLOW ASSEMBLY TESTER” means a person who holds current certification by the BC Water and Waste Association (BCWWA) as a Certified Backflow Assembly Tester;

“CITY” means The Corporation of The City of Fernie;

"COLLECTOR" means the Director of Finance of the City or their delegate;

"COMBINED SERVICE" or "COMBINED SERVICE PIPE" respectively means the service or the Service Pipe that is intended to supply water for fire protection combined with normal use;

“CROSS CONNECTION” means any actual or potential connection between a water system and any drain, piping, device, fixture, fitting, container, or appliance which may allow non-potable water, used water, wastewater or any solids, chemical, liquid, gas or other substance to enter the water system;

"CURB STOP" means the City-owned valve on a Service Pipe located on a City street or lane or within an easement at or near the Customer's property line, or easement line;

"CUSTOMER" means the owner of real property or an agent acting on behalf of the owner;

“DIRECTOR” means the employee appointed by the Chief Administrative Officer for the City as the Director responsible for Public Works and/or Engineering or their delegate;

"DUAL SERVICE" means a Service Pipe which branches on private property to provide two service connections, one of which is a metered line and the other of which is a fire line;

"DWELLING UNIT" means one or more rooms constituting a unit of living accommodation used or intended to be used for living and sleeping purposes;

“EMERGENCY ONCE THROUGH COOLING EQUIPMENT” means once through cooling equipment that is not normally operated and is only activated in accordance with this bylaw and with the permission of the Engineer, in the event of a sudden, unforeseen failure of an otherwise properly designed, operated and maintained primary cooling system;

"ENGINEER" means the City Engineer or their delegate;

"FIRE LINE" means a pipe that is intended for the purpose of providing a stand-by supply of water for fire protection purposes;

"FIRE SERVICE PIPE" means that portion of a fire line that is a Service Pipe;

“FIXTURE ISOLATION” means a method of preventing backflow from a fixture or appliance into the water system by installing a backflow preventer in compliance with this Bylaw;

“FOREIGN SUBSTANCE” means any substance other than municipal water;

“HIGH HEALTH HAZARD” means that the potential backflow from a particular fixture or Premises is capable of causing contamination to the water system that could result in illness or death;

"INSPECTORS" means those persons designated by the City to carry out the necessary inspections for the enforcement of this Bylaw;

“INTERCONNECTED SERVICE PIPE” means two City water services connected on private property, one of which is deemed to be a fire line;

“LANEWAY HOUSE” means a detached one-family dwelling constructed in the rear yard of a Parcel on which is situated another one-family dwelling or one-family dwelling with secondary suite;

“LOW HEALTH HAZARD” means that the potential backflow from a particular fixture or Premises is capable of causing pollution in the water system that could result in discoloration or an unusual smell or taste, but is unlikely to cause illness or death;

“MAINTENANCE ONCE THROUGH COOLING EQUIPMENT” means once through cooling equipment that is not normally operated and is only activated in accordance with this bylaw and with the permission of the Engineer, to temporarily supplement or replace the primary cooling system during scheduled maintenance on the primary cooling system;

“NON-RECIRCULATING LIQUID RING PUMP” means a vacuum pump that uses water to cool the pump or to create a seal and recirculates less than 60% of the water that passes through the pump;

"NORMAL USE" means the use of water for normal residential, commercial, or industrial purposes; excluding fire protection or other uses which the Collector or Engineer deem special or extraordinary;

“ONCE THROUGH COOLING EQUIPMENT” means equipment that produces a cooling effect by transfer of heat to water that is only circulated once through the equipment and is then discharged; some examples are commercial and industrial air conditioners, refrigerators, freezers, coolers and ice machines;

“PARCEL” means the smallest unit which land is designated under the *Land Title Act* or the *Strata Property Act* as a separate and distinct parcel on a legally recorded plan or description deposited in the Land Title Office, but does not include a highway right-of-way or portion thereof;

"PREMISES" means a Parcel not owned by the City;

“PREMISES ISOLATION” means a method of preventing backflow from a Premises into the water system by installing a backflow preventer in compliance with this Bylaw;

“PRESSURE REDUCING VALVE (PRV)” means a type of safety valve used to control or limit the pressure in a system;

"PRIVATE SERVICE PIPE" means the pipe and appurtenant fittings intended to distribute water within the Premises and connected to the Service Pipe;

“SEASONAL PROPERTY” a property that is not lived in continuously throughout the year and may be empty for periods of time;

"SERVICE PIPE" means the City-owned pipe and appurtenant fittings, either on a street or within an easement, intended to carry water from the City's water main to the farthest downstream City-installed fitting, with City ownership extending to the downstream face of the City fitting, such face to be located, unless otherwise approved by the Engineer pursuant to the municipality's Subdivision Servicing Bylaw;

"SHUT DOWN" means a temporary interruption to service by a shut-off and turn-on of a Service Pipe;

“TAMPER and TAMPERING” means in order to cause damage or make unauthorized alterations;

"UNIT" means 2,831.6 liters of water;

"WATER" means treated drinking water supplied directly or indirectly by the city;

"WATER SYSTEM" means a piping system which contains drinking water and includes the City's water system and a private water system;

Authority

- 1.3 The Collector, Director, Bylaw Officer and Engineer may administer the provisions of this Bylaw.

Power of Entry and Inspection

- 1.4.1 The Collector, Director, Bylaw Officer and Engineer and their delegates may, subject to S. 16 of the *Community Charter*.

(a) enter any Premises at any reasonable time for the purpose of administering or enforcing this Bylaw; or

(b) inspect any part of any Premises, expose piping and do tests on any piping or fixtures on the Premises, to determine compliance with this Bylaw.

- 1.4.2 Any person who obstructs, limits, or interferes with the Collector, Director, Engineer or Bylaw Officer from performing their duties pursuant to this bylaw may be subject to the penalties as set out in Part 7 of this Bylaw.

Notice of Contravention

- 1.5 If, in the opinion of the Director, Collector, Engineer, or Bylaw Officer or the Engineer, a person is contravening the provisions of this Bylaw, the Collector or the Engineer may issue a notice requiring that the contravention cease by the date specified in the notice.

Service of Notice

- 1.6 A notice issued in accordance with this Bylaw is deemed to have been received:
- (a) four days after mailing, if sent by ordinary prepaid mail to the owner's address as it appears on the records of the British Columbia Assessment Authority for the Premises;
- (b) upon delivery, if delivered by hand to the Customer.

Remedies for Non-compliance

- 1.7 If a person fails to comply with a notice issued pursuant to this Bylaw, the Director, Bylaw Officer, Collector or Engineer may:
- (a) shut off the water supply to any part of the Premises, and bill the costs to the owner of the Premises in accordance with Schedule B;
 - (b) reduce the water supply to the Premises to a maximum flow of one litre per minute, until the necessary repairs have been completed, and bill the costs to the owner of the Premises in accordance with Schedule B; or
 - (c) carry out such repairs, either on or off the Premises as, in the opinion of the Engineer or qualified designate, are necessary to repair any defective apparatus, fitting or fixture, or to prevent or eliminate excessive noise, pressure surges, or damage to the City's water system, and bill the costs to the owner of the Premises in accordance with Schedule B.

Insertion of Costs on Tax Roll

- 1.8 If the Collector or Engineer takes steps to reduce or shut off water service, or carry out repairs pursuant to this Bylaw, the costs so incurred, if unpaid by December 31st in the year such costs were billed, shall be deemed to be taxes in arrears and may be collected in the same manner and with the same remedies as property taxes pursuant to S. 258 of the *Community Charter, SBC 2003, C. 26*.

PART 2
ESTABLISHMENT AND DISCONTINUANCE OF SERVICE

Connection to Service

2.1 The installation of a Private Service Pipe service to the City's water system, or a connection to an existing Service Pipe must be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992* as amended or replaced from time to time, and *Subdivision & Development Bylaws No. 1727, 1998*, as amended, or replaced from time to time.

Application for Connection to Existing Service Pipe

- 2.2 A Customer who wishes to reconnect to an existing Service Pipe:
- (a) must submit an application in a form satisfactory to the Engineer; and
 - (b) must submit the applicable fees in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended.

Reconnection for Building Sites

- 2.3 The Engineer may approve reconnection to an existing Service Pipe to provide water service to a premise that is a building site, if the existing Service Pipe:
- (a) measures no more than 50 mm in diameter and is no more than 24 years old; or
 - (b) measures more than 50 mm in diameter, is no more than 50 years old, and is made of cement-lined ductile iron.

Reconnection for Premises other than Building Sites

2.4 The Engineer may approve reconnection to an existing Service Pipe to provide water service to a premise that is not a building site, if, in the opinion of the Engineer, such a reconnection would be effective and sound given the size and condition of the existing Service Pipe.

Reconnection Fees

2.5 A person applying for reconnection to an existing service must pay fees and charges in accordance with *Water Connection and User Charge Bylaw No. 1594, 1992* as amended.

Location of Service Pipe

- 2.6.1 The location of a Service Pipe shall be at the discretion of the Engineer in accordance with the *Subdivision & Development Servicing Bylaw No. 1727, 1998*, as amended, or its replacement.
- 2.6.2 If a Customer requests a Service Pipe location other than that proposed by the Engineer, *Water Connection and User Charge Bylaw No. 1594, 1992* or *Subdivision & Development Servicing Bylaw No. 1727, 1998*, and if the Engineer approves such location, the Customer shall pay any additional connection fees.

Permitted Connection Device

- 2.7 The connection between a Private Service Pipe and a Service Pipe must be in accordance with the *Subdivision & Development Servicing Bylaw No. 1727, 1998* as amended, or its replacement.

Prohibited Connection Devices

- 2.8 A person must not use a wedge action restraint, tie rods, restrained coupling or similar device capable of transferring pressure or force, to connect a Private Service Pipe to a Service Pipe.

Type and Arrangement of Service Pipes

- 2.9.1 Applications for and installation of a tie-in by a Private Service Pipe to a water main shall be in accordance with the *Subdivision & Development Servicing Bylaw No. 1727, 1998*, as amended, or its replacement.
- 2.9.2 If the Engineer considers the size or number requested to be improper for the flows and use desired, the Engineer may require that the application be amended accordingly.

Temporary Water Service During Construction

- 2.10 An owner or contractor who requires a temporary water service for construction of a dwelling with an existing water service shall make application to the Engineer for such temporary water service and shall pay the fees in accordance with SCHEDULE A of this bylaw.

Discontinuing Water Service

- 2.11 A Customer may discontinue service in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended, or its replacement.

PART 3
RESPONSIBILITIES OF THE CUSTOMER OR OTHER PERSONS

Obligation to Maintain Plumbing

- 3.1 A Customer must maintain pipes, fittings, pressure-reducing valves (PRVs), meter chambers, meter supports and fixtures servicing or located on their Premises in proper repair and free from leakage at their sole cost and expense.

Requirement to Protect City Curb-stop

- 3.2 A Customer must not damage or permit damage to any curb-stop on or servicing the Customer's property.

Access to City Curb-stop

- 3.3 A Customer or other person must provide unobstructed access to any curb-stop located on their Premises that controls the water supply to the Customer's or other person's Premises.

Access for Inspection

- 3.4 A Customer or other person must allow the Collector, the Engineer, or any person authorized to act on behalf of the Collector or the Engineer, to enter any Premises in accordance with the *Community Charter, SBC 2003, C. 26* for the purpose of administering or enforcing this Bylaw.

Prohibition Against Sale and Certain Uses

- 3.5 A Customer or other person must not, without first having obtained a permit to do so from the Engineer:
- (a) sell, convey or transport or permit, suffer or allow the sale, conveyance or transport of water beyond the property line of the Premises to which water service is provided;
 - (b) use or permit, suffer or allow the use of water to power machinery;
 - (c) use water from a fire hydrant;
 - (d) bottle water from the City's water system for the purposes of export or re-sale.

Prohibition Against Using Water in Non-Recirculating Applications

- 3.6 A Customer or other person must not use, or permit, suffer or allow the use of water in the following non-recirculating uses, equipment, or systems:
- (a) thermal conditioning of building surfaces or roofs, or ancillary use of water to supplement building mechanical systems or equipment, excepting emergency fire protection of buildings; or
 - (b) use of water for melting or thawing, excepting food preparation applications.

Prohibition Against Connecting to Non-Recirculating Applications

- 3.7 A Customer or other person must not connect, or permit, suffer or allow connection to the City's water system to any of the following non-recirculating uses, equipment, or systems:
- (a) cooling equipment;
 - (b) venturi-type flow-through vacuum generators or aspirators in which running water is used solely for the venturi effect;
 - (c) non-recirculating liquid ring pumps; or
 - (d) non-recirculating wet-hood scrubbers.

Disconnection of Non-Recirculating Applications

- 3.8 All non-recirculating uses, equipment and systems listed in section 3.6 and 3.7 of this bylaw must be disconnected from the City's water system by January 1, 2025, except that:
- (a) emergency non-recirculating cooling equipment and maintenance non-recirculating cooling equipment may be operated with approval of the Engineer or Director; and
 - (b) uses, equipment and systems in a building for which a demolition permit has been issued before January 1, 2020.

Defective Apparatus, Fitting or Fixture

- 3.9 A Customer or other person must not connect, or permit, suffer or allow connection to the City's water works system of any apparatus, fitting or fixture that, in the opinion of the Engineer, causes or is likely to cause:

- (a) excessive noise;
- (b) pressure surges;
- (c) damage to a private water system; or
- (d) damage to the City's water system.

Tampering with the City's Facilities

3.10 A person shall not tamper with or operate the City's water system, including but not limited to any pipe, by-pass, curb-stop, hydrant or any other part of the City's water system, except as authorized by the Engineer or the Collector.

PART 4
CROSS CONNECTION CONTROL

Prohibition Against Cross Connection

- 4.1 A person shall not create, permit, suffer or allow a cross connection, unless the cross connection is protected in compliance with the provisions of the Bylaw and *Building Bylaw No. 1946, 2003*, or any replacement thereto.

Responsibilities of Customer

- 4.2 A Customer must notify the Engineer promptly upon discovery of a Cross Connection.

PART 5
OPERATION AND INSPECTION

Pressure, Supply and Quality

- 5.1.1 The City does not guarantee pressure nor continuous supply of water, nor accept responsibility at any time for the maintenance of pressure on its lines nor for increases or decreases in pressure.
- 5.1.2 The City reserves the right at any time, without notice, to change a water service for the purposes of making repairs, extensions, alterations or improvements, and to increase or reduce pressure.
- 5.1.3 Customers depending on a continuous and uninterrupted supply of water or having processes or equipment that require a particular standard of water shall be responsible for providing their own emergency storage, over-size piping, pumps, tanks, filters, pressure regulators, check valves, additional Private Service Pipes, or other means for a continuous and adequate supply of water suitable for their requirements.
- 5.1.4 The City Engineer or Collector may refuse to turn on a water service to Premise if there are outstanding infractions of this bylaw.

Removal, relocation or alteration of City-owned water facilities

- 5.2 Unless otherwise provided for in this Bylaw, a person who applies to the City for removal, relocation or alteration of City water facilities, including curb-stops, chambers, hydrants or other fittings, must:
 - (a) obtain the consent of the Engineer to the proposed removal, relocation or alteration; and
 - (b) reimburse the City for any costs of such removal, relocation, or alteration in accordance with the provisions of section 5.3 by the City.

Work Done

- 5.3 If any work is required by the City to a water system servicing Premises, all such costs and charges for so doing shall be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1997*, as amended, or its replacement.

Replacement of Old Service Pipes

- 5.4 If a Service Pipe has deteriorated and is leaking, the City will, at a Customer's request, investigate to determine if the City Service Pipe needs replacing or repair and take such actions as may be deemed appropriate by the Engineer.

Ownership of Service Pipes

- 5.5 Every Service Pipe and appurtenant fittings thereof, except Private Service Pipes, shall remain the property of the City.

Ownership of Private Service Pipes

- 5.6.1 Every Private Service Pipe, whether on Premises or on the street, shall remain the property of the Customer and the Customer shall be responsible for its maintenance, repair or replacement.
- 5.6.2 If, in the installation, maintenance or removal of any Private Service Pipe, it is necessary for any person to enter onto or excavate in a road, sidewalk or highway, that person shall, prior to such entry or performing such work, obtain such permissions or permits as may be required and perform any such work in a manner as approved by the Engineer and shall pay any fees or charges.

Shutdown or Service Request

- 5.7 The fee for a shutdown or service request shall be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended, or its replacement.

Frozen Service Pipes

- 5.8.1 If there is a risk of service pipes freezing, the Engineer may:
- (a) carry out an investigation to determine the location and condition of the service pipes; and
 - (b) if the service pipes are frozen on private/customer lands, order the customer to pay the costs of the investigation in accordance with section 5.3.
- 5.8.2 In the event of a frozen pipe on private property, the customer is responsible for thawing the line and the associated costs.
- 5.8.3 No person shall use direct electrical current or introduce any foreign substance into the water service line for the purpose of thawing or attempting to thaw a frozen water service line without prior approval from the Engineer.

Frozen Water Service – Bleeder Valve

5.9 In the event of frozen pipes on private property, the customer must pay the cost of any investigation by the Engineer on an “at cost basis” in accordance with Section 5.3.

(a) The Engineer may require installation of a Bleeder Valve by the Customer in the following situations, including but not limited to:

- I. The water line has frozen previously at the property, or
- II. The property is suspected of being a ‘seasonal property’ when water is not being used daily, creating flow, or
- III. Other items contribute to the risk of a water line freezing.

(b) The cost of the installation shall be borne by the Owner of the Premises in accordance with Section 5.3.

(c) Bleeder Valves shall be operated by the Customer and may only be turned on no earlier than October 31st and must be turned off by May 1st the following year.

PART 6
OFFENCES AND PENALTIES

Violation of Bylaw

- 6.1 Any person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits an act or thing to be done in contravention or violation of this Bylaw, or fails to do anything required by this Bylaw, commits an offence, and shall be liable upon conviction:
- a) to a fine of not more than Fifty Thousand (\$50,000.00) dollars if prosecuted pursuant to the provisions of the *Offence Act, R.S.B.C. 1996, c. 338*; or
 - b) a fine imposed pursuant to the *Municipal Ticket Information Bylaw No. 2041, 2006* as amended from time to time.
- 6.2 In addition to any fine imposed, the City may seek reimbursement for the cost of any prosecution, and seek any other penalty or order imposed pursuant to the *Community Charter SBC 2003* or *Offence Act RSBC 1995*, as amended from time to time.
- 6.3 If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.
- 6.4 Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City by law.

Enforcement

- 6.5.1 The City designates this Bylaw as a Bylaw that may be enforced by Bylaw Enforcement Officers, the Chief Administrative Officer, or their designates, and R.C.M.P. Officers by means of a ticket in the form prescribed for that purpose by the *Community Charter SBC 2003*.
- 6.5.2 Any person designated as a Bylaw Enforcement Officer pursuant to the *Municipal Ticket Information Bylaw No. 2041, 2006*, as amended, is hereby authorized and empowered to enforce the provisions of this Bylaw.

Bylaw Effective Date and Grace Period

- 6.6 This Bylaw shall come into force immediately upon adoption; however, financial penalties will take effect two (2) months after the date of the final adoption of this Bylaw.

READINGS AND ADOPTION

READ A FIRST TIME this 11th day of June, 2024.

READ A SECOND TIME this 11th day of June, 2024.

READ A THIRD TIME this 11th day of June, 2024.

THIRD READING rescinded this 9th day of July, 2024.

READ A THIRD TIME as amended this 9th day of July, 2024.

ADOPTED this 16th day of July, 2024.

Mayor

Corporate Officer

I hereby certify the foregoing to be the
original Bylaw No. 2485, 2023

**PART 8
SCHEDULES**

The following schedules are listed and included in and form part of this Bylaw:

SCHEDULE A - Charges for Temporary Water Service During Construction

SCHEDULE B - Miscellaneous Fees and Charges

**SCHEDULE A
Charges for Temporary Water Service During Construction**

Reduced rates for the first six (6) months of construction from water on request, additional fees for water on apply separately.

Zero (0) to six (6) months	60% of the regular utility rates
Six (6) months or more	100% of the regular utility rates

**SCHEDULE B
Miscellaneous Fees and Charges**

Miscellaneous water information requests (per hour)	At cost (Section 5.3)
City Crew call out fee (regular working hours - Mon-Fri 7am-4pm) (per hour or portion thereof)	At cost (Section 5.3)
City Crew call out fee (outside regular working hours) (per hour or portion thereof – Collective Agreement Overtime Rates Apply)	At cost (Section 5.3)
Frozen pipe thawing	At cost (Section 5.3)

Column 1	Column 2	Column 3	
		1st Offence	2nd + Subsequent Offences
Obstruction of Entry or Inspection	1.4.2 3.4 5.7	100	200
Unconforming Connection	2.1	100	200
Prohibited Connection Device	2.8	100	200
Failure to maintain plumbing	3.1	100	200
Failure to protect Curb Stop	3.2	100	200
Obstructed Curb Stop	3.3	100	200
Prohibited Sale and Use (of Water)	3.5	100	200
Use of Non-recirculating Appliance	3.6	100	200
Connection of Non-recirculating Appliance	3.7	100	200
Failure to disconnect Non-recirculating Appliance	3.8	100	200
Defective Apparatus, Fitting or Fixture	3.9	100	200
Tampering with City Facilities	3.10	250	500
Unauthorized Hydrant Use	3.10 3.5 (c)	2000	3000
Cross Connection	4.1	1000	2000
Failure to notify of Cross Connection	4.2	500	1000
Un-Approved Street excavation	5.6.2	1000	3000