



City of Duncan

Waterworks Regulation Bylaw No. 3213, 2020 (With Amendments to January 27, 2025)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

Bylaw No. 3213.01, 2022 – Adopted May 9, 2022

Bylaw No. 3213.02, 2024 – Adopted January 27, 2025

WATERWORKS REGULATION BYLAW NO. 3213, 2020
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CITY OF DUNCAN
BYLAW NO. 3213, 2020
A BYLAW TO PROVIDE FOR THE OPERATING, MAINTAINING,
AND USE OF THE DUNCAN WATERWORKS SYSTEM

The Council of the City of Duncan enacts as follows:

PART I - INTERPRETATION AND ADMINISTRATION

1.1 Title

This bylaw may be cited as the “Waterworks Regulation Bylaw No. 3213, 2020”

1.2 Application of Bylaw

- a) The provisions of this bylaw apply and have effect in the *City* and in respect of other lands or premises provided with water services by the *City’s waterworks system*.
- b) The provisions of this bylaw are applicable to and binding upon all *consumers* receiving water from the *City’s waterworks system* whether or not such persons have made a written application therefor.

1.3 Interpretation

The headings used in this bylaw are for convenience of reference only and do not form part of this bylaw and shall not be used in the interpretation of this bylaw.

1.4 Severability

If any part, section, subsection, sentence, clause, or sub-clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

1.5 Duty of Care

- a) This bylaw does not create any duty of care whatsoever on the *City*, the Council Members, Officers, Inspectors or any employees or agents of the *City* in respect of:
 - i. inspections made by *City* employees or failure to make such inspections, or
 - ii. the enforcement, or failure to enforce the provisions of this bylaw.

1.6 Definitions

applicant	means any property owner, or his or her agent, applying for a water service and from whom the <i>City</i> may expect to receive revenue on a continuing basis for such service.
approved backflow prevention device	means a mechanical device, assembly, or piping arrangement that when subject to backpressure or back siphonage will prevent backflow that meets the design and installation requirements of the Canadian Standards Association.
building	means any structure used or intended for supporting or sheltering any use or <i>occupancy</i> .

certified backflow tester	means a person holding a valid certificate from the British Columbia Water and Waste Association for testing backflow prevention devices.
CAO	means the person appointed by <i>Council</i> as the Chief Administrative Officer or their delegate.
City	means the City of Duncan.
Collector	means the person appointed by <i>Council</i> as the Director of Finance or their Deputy.
consumer	means any person who is the owner or agent for the owner of any premises to which water is supplied or made available from the <i>City's waterworks system</i> , and includes any person who is the occupier of any such premises, and also includes any person who is a user of water supplied to any such premises.
curb stop	means a shut off valve installed by the <i>City</i> on a service connection with a protective housing to the ground surface.
Director	means the person hired by the <i>City</i> to administer the supervisory control of the <i>City's waterworks system</i> , among other duties, and includes their designate in administering this bylaw.
fixtures	parts (such as a sink, toilet, faucet, etc.) that are attached to a system of pipes that carry water through a <i>building</i> .
3213.01 hand watering	means watering by the use of a hose with a spring-loaded nozzle or by watering can or pail.
meter service charge	a charge as set out in the <i>City's Fees and Charges Bylaw</i> based on meter size or meter service size.
3213.01 micro irrigation or drip irrigation	means an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either to the soil surface or directly onto the root zone, through a network of valves, pipes, or tubes that uses less than 20 gallons per hour at less than 25 psi. A weeper hose, which slowly emits water through very small holes, is considered micro irrigation or drip irrigation. A soaker hose, which emits water as a spray stream, is not considered micro irrigation or drip irrigation.
occupancy	means the use or intended use of a <i>building</i> or part thereof for the shelter or support of persons, animals, or property.
private hydrant	means a fire hydrant on private property or common property within a strata property.
water consumption charge	a charge as set out in the <i>City's Fees and Charges Bylaw</i> for water consumption.

waterworks system means all areas of the *City* and any Municipality of North Cowichan, Cowichan Valley Regional District electoral area, Cowichan Tribes' land, or portions thereof receiving water service from the *City* and all the pipes, valves, and appurtenances that comprise the *City's* water distribution systems.

1.7 Repeal

"Waterworks Regulations Bylaw No. 3204, 2019" is hereby repealed.

PART II - ESTABLISHMENT OF WATER SERVICE

2.1 Application for Installation of Water Service

- a) Every application for the installation of a water service connection must be made by the owner or agent authorized in writing by the owner, in the form prescribed by the *City*, including an agreement with the *City* for payment.
- b) Every property owner, or his or her agent, applying for the installation of a water service connection must deliver to the *City* a complete and accurate statement in the form prescribed by the *City* of the size and description of the premises and all information necessary to form a correct estimate of the rates to be charged for the water supplied for the said premises. All information may be verified and if determined to be in error, the *City* will levy corrected rates. A balance owing by the *consumer* is a debt due and owing to the *City* and is subject to section 9.1(e).
- c) Applications for any water service to the *City* will be:
 - i. subject to an initial application fee in accordance with the *City's* Fees and Charges Bylaw;
 - ii. evaluated by the *Director* based on its potential effect on the *waterworks system* capacity;
 - iii. subject to a Water Study and Fire Flow analysis at the cost of the *applicant* unless this requirement is waived in writing by the *Director*;
 - i. for a property outside of the *City*, subject to a Capital Cost Contribution charge in accordance with the *City's* Fees and Charges Bylaw to compensate the *City* for use of existing capacity and to contribute to providing, constructing, altering, or expanding the *waterworks system* to service, directly or indirectly, the development, which may be reduced by the cost of any system upgrades outside the boundaries of the land being developed that, with the approval of the *Director*, are confirmed to have been on the *City's* capital upgrade plans and provide a benefit the overall *waterworks system*; and
 - ii. for properties inside the *City*, may be subject to Development Cost Charges applied in accordance with the *City's* Development Cost Charges Bylaw.

2.2 No Connection Without Consent of *Director*

- a) Connections to public or private water main, a water service pipe that conveys water from a public water main to the inside of a *building*, will not be permitted without prior written consent of the *Director*.

- b) The *Director* may order the immediate disconnection or removal of any piping, *fixture*, fitting, or appurtenance that contravenes section 2.2(a) or the correction of any other condition on private property that represents a hazard to the water supply, and in the case of an imminent health or safety hazard, the *Director* may disconnect the water supply to the parcel in question without notice.

2.3 Water Service Installations

- a) All work connected with that portion of the *waterworks system* located on *City* land or in *City* rights of way will be performed by *City* employees, except as otherwise designated, or authorized in writing, by the *Director*.
- b) All water service connections must be made by or under the direction of the *Director*.
- c) Work of any kind relating to a water service must not be performed on or under a highway by any person other than an employee of the *City* or by a *City* authorized contractor.
- d) The *Director* may limit the number of water service connections between any water main in the *City's waterworks system* and any separate premises.
- e) No service connection will be permitted from the *City* water mains to any premises supplied by water from any other source.

2.4 Re-use of Existing Water Connections

All Building Permits issued for alteration of existing *buildings*, where in the opinion of the Building Inspector employed by the *City* there is a substantial increase in the hydraulic load, or for all new *buildings* connected to the *City's waterworks system*, approval of the *Director* for the reuse of an existing water connection will be required.

2.5 Water Meter

- a) Water meters must be installed and used for all parcels unless an exemption is provided by the *Director*.
- b) The *Director* may install a meter on an unmetered service pipe and the *Collector* may then levy metered water service rates in accordance with the *City's Fees and Charges Bylaw*.
- c) The *Director* may determine a specific location for each water meter whether on private or public property.
- d) A change in the location or elevation of a water meter may be permitted upon written application to the *City* in the form prescribed by the *City* and payment of a Meter Relocation Fee as prescribed in the *City's Fees and Charges Bylaw*.

2.6 Water Meter Purchased by Parcel Owners and Installation by City

- a) In the case of a subdivision development or construction of a new *building*, the *City* will be responsible for installing all water meters, unless otherwise permitted by the *Director*. The *owner* will be responsible for the cost of the purchase, maintenance, repairs, and replacement of all water meters for a one-year maintenance period, from the date they are installed by the *City*. After the expiration of the one-year

maintenance period, the *City* will take over the costs of repairing, maintaining, and replacing of the water meter.

- b) All water meters must be of a size and type approved by the *Director*.

2.7 Water Service Pipes

- a) All water service pipes shall be laid at a depth of not less than 0.700 meters, or such other greater depth as may be determined by the *Director*, below the surface of the ground and must be laid in such a manner as to be protected from frost.
- b) Where water service pipes cross under or near other excavations, they must be properly protected against settlement.
- c) Every branch water-service pipe serving any standpipe, underground sprinkler system, fountain, fishpond, or any exposed service, must be equipped with an *approved backflow prevention device* at the point of connection.
- d) The *Director* will determine the size of the pipe to be used in supplying water to any parcel, and the position in the street in which it is to be placed.
- e) In the case where any person desires to have service pipes laid in any particular direction and provided this will not interfere with the requirements of the water main or the provisions of this bylaw, such a request must be forwarded in writing to the *Director*.
- f) Pressure regulator valves (PRV) must be installed on the water service of every *building*.

2.8 Shut-off Valves Provided

Each service pipe must be provided with a shut-off valve placed immediately inside the outer wall of the parcel premises.

PART III - DISCONTINUANCE OF WATER SERVICE

3.1 Disconnection and Reconnection Fees

- a) The charge for disconnecting or reconnecting or for turning off or on the water as specified in the *City's Fees and Charges Bylaw* will be the responsibility of the owner of the parcel in respect of which the water is disconnected, reconnected, turned off or turned on.
- b) A fee for the water shut off must accompany the application for discontinuance of water supply in accordance with the *City's Fees and Charges Bylaw* and the application must be in the form prescribed by the *City*.

3.2 Application for Water Turn-On or Turn-Off

- a) All applications for turning water on or off at any premises must be made in writing to the *City* not less than two business days before the service is required, and in such form as prescribed by the *City* and subject to the *City's Fees and Charges Bylaw*, except:
 - i. in the case of water turn-on or turn-off for water service repairs during regular business hours, the turn-on or turn-off fee is waived; or

- ii. in the case of an emergency as defined by the *Director* at any time, the turn-on or turn-off fee and the two business days notice provision are waived.

- b) No person is permitted to make an application to turn off or disconnect water to any parcel in use or occupied by any person until such use or occupation has ceased and the parcel has been vacated, except in the case of an emergency as defined by the *Director* or a repairs.

3.3 Discontinuing Use of Water

- a) A person who is about to vacate any parcel that has been supplied with water from the *waterworks system*, and who is desirous of discontinuing the use thereof, must give written notice to the *City* in the form prescribed by the *City*, and in default thereof, applicable rates will be charged until such notice is given and the water is turned off.
- b) If a parcel is vacated, the shut-off valve on the inside of the *building* must be turned off by the person leaving the parcel or by the parcel owner. The parcel owner is responsible for this action
- c) If *building(s)* are demolished, destroyed or otherwise removed from a parcel connected to the *waterworks system*, the *City* may shut off the water service connection for a fee in accordance with the *City's Fees and Charges Bylaw*. In these instances, all plumbing on the parcel must be removed by the owner of the parcel at the owner's sole cost back to the *City's* water services connection unless in the *Director's* opinion the pipes are in a sufficient condition to be reused for a new *building*, with an approved Building Permit.

3.4 Temporary Discontinued Use of Water

- a) If a water service connection to a parcel is turned off by the *City* at the request of the parcel owner to facilitate renovation, addition, demolition, or replacement on the premises then:
 - i. for a parcel on an unmetered water service, the flat rate charge payable in respect of said water connection will be reduced by a pro-rated amount reflecting the period that the water is shut off in accordance with sections 3.4(b) and 7.13; or
 - ii. for a parcel on a metered water service, the *meter service charge* will be payable in respect to said water connection; however, given that no water will be consumed, the *water consumption charge* will not apply after the date water service becomes inactive.
- b) The *City* will not grant a credit or rebate of any rates or fees paid or payable unless an application in the form prescribed by the *City* has been made to the *City* and the water

service has been shut off for a period in excess of 30 days. Any credit issued will be subject to the fee *City's Fees and Charges Bylaw* in respect to refunds.

- c) The *City* may temporarily discontinue the supply of water to any premises for the purpose of extension, maintenance, and repair of the *waterworks system*.

3.5 Disconnection of Water Service

- a) In the case of a water service disconnection under section 8.4(d) [Non-compliance with Watering Restrictions], *Director* must, prior to disconnecting the water service, give notice to the owner and *consumer*, if applicable, in writing at least 10 days before the disconnection of their right to make representations to Council. The *Director* shall provide such notice in writing and shall make a reasonable effort to mail or otherwise deliver the notice to the owner of the parcel and the *consumer* if the parcel is not owner-occupied. The owner and the *consumer*, if applicable, shall be provided an opportunity to address Council prior to the service disconnection taking place.
- b) In the case of a disconnection of a water service authorized by the *Director* under section 2.2(b) [No Connection Without Consent of Director], section 5.1(b) [Cross Contamination], or section 6.3(a) [Faulty Works], the *Director* must, at the time of disconnecting the water service, notify the owner or *consumer* of the actions which are contrary to the bylaw. Before the water is again turned on, the necessary repairs or alterations must be completed to the satisfaction of the *Director*, and the charge for disconnecting, reconnecting, turning off and turning on of water shall be paid in accordance with the *City's Fees and Charges Bylaw*.
- c) Whenever a service connection has been disconnected in accordance with the provisions herein, the cost of such disconnection, together with the cost of reconnecting, shall be charged to the owner of the parcel for which such works has been performed as outlined in the *City's Fees and Charges Bylaw*.

3.6 No Recourse of Action

No person whose supply of water is turned off or disconnected under this bylaw will have any claim against the *City* by reason of such action.

PART IV - RESPONSIBILITIES OF THE CUSTOMER OR OTHER PERSON

4.1 Change of Use, Occupancy of Property Sold

A parcel owner must notify the *Collector* in writing of any changes in the use, occupancy, site served, or any similar matter which may affect the fees, rates, meter charges or other charges payable under the *City's Fees and Charges Bylaw*.

4.2 Maintenance of Apparatus Within Premises

- a) All *consumers* or parcel owners must ensure that all taps, fittings, *fixtures* and other apparatus connected to the *waterworks system* within all premises, or on a parcel,

are installed, connected and maintained in accordance with the BC Plumbing Code and BC Building Code, as amended, and any applicable *City* bylaws.

- b) An owner or *consumer* of a parcel must not use water closets without self-closing valves or cause or permit wasting of water, or imperfect or leaking stops, valves, pipes, water closets, faucets or other *fixtures*.
- c) All *consumers* must ensure that *private hydrants* connected to the *waterworks system* on a parcel are maintained in accordance with the BC Fire Code.
- d) Without limiting the generality of section 4.2(c) of this bylaw,
 - i. the owner of every *private hydrant* must have all components of the hydrant inspected, serviced and tested by a qualified Fire Protection Technician not less than once a year during the months of March or April and provide the test results to the *Director* within 30 days of the testing being completed;
 - ii. annual testing of *private hydrants* must include:
 - A. hydrants must be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris; and
 - B. check the operation of the main line valve by closing the isolating valve; and,
 - iii. every 3 years, or if a fire hydrant has been used for more than 30 minutes for fire suppression use, the owner of a *private hydrant* must conduct or have conducted the following inspection by a qualified Fire Protection Technician with the test results being forwarded to the *Director* within 30 days of the inspection being completed:
 - A. disassemble the hydrant and check for worn or broken parts and leaks;
 - B. lubricate all external and internal working parts during reassembly;
 - C. check water pressure; and,
 - D. reopen main line valve and check to see if hydrant operates and close hydrant valve.

4.3 Water Meter Damage

Each parcel owner will be responsible for the meter installed for their water service and will be liable for any damage to the meter. All costs to the *City* occasioned by such damage to the water meter will be the responsibility of the owner.

4.4 Water Meter Tampering

Unless prior written permission has been granted by the *Director*, no person is permitted to interfere or tamper with any water meter or pipe leading to or from such water meter.

4.5 Obstructing Access

- a) A person must not obstruct or cause the obstruction, in any manner, to any fire hydrant, valve, meter, *curb stop*, or other *fixture* or property connected with or belonging to the *City* for the operation of the *City's waterworks system*.

- b) Any structures, vegetation, or other obstructions blocking access or visibility of a hydrant, water connection, or water meter may be removed by the *City* at the expense of the owner subject to section 9.1(e).

4.6 Disposition of Water

No *consumer* may sell, bottle, give away, or dispose of any water or permit water to be carried or taken away, or used, or apply it for the benefit or use of others or to any other than the person's own use and benefit without prior written approval of the *City*.

4.7 Fire Hydrants Use

No person, except an employee of the *City*, a member of the Duncan Fire Department, or a member of a Fire Department under agreement with the *City*, and in the course of their duty, is permitted to open any fire hydrant, standpipe, valve or hose connection or use water from any fire hydrant in the *City* without written permission from the *City*.

4.8 Interference with Fire Hydrants, Service Connections

Unless authorized by the *City*, a person must not operate, interfere or tamper with, or cause or allow to be caused, damage to any fire hydrant, valve, meter, *curb stop*, or other *fixture* or property connected with or belonging to the *City's waterworks system*.

4.9 Fire Protection Services

- a) Services provided solely for fire protection must be fitted with such *fixtures* only as are needed for fire protection and shall be entirely independent from services used for other purposes.
- b) Water must not be used through fire protection services or *fixtures* connected thereto for any purpose other than extinguishing fires.

4.10 Restricted Appliances

- a) Services may be refused or suspended by the *City* to any *consumer* who, without a permit obtained from the *City*, installs or uses any booster pumps or non-recirculating devices including non-recirculating air conditioners, refrigeration or water-cooled compressors, or other like devices. A permit to install or use any such device or appurtenance must be obtained from the *City* and fees paid in accordance with the *City's Fees and Charges Bylaw*.
- b) A person must not connect or allow to remain connected any apparatus, fitting, or *fixture* that may cause noises, pressure surges, or any other disturbance that may, in the opinion of the *Director* result in annoyance to a *consumer*, damage to a water service pipe, or damage to the *City's waterworks system*.

4.11 Fixtures

All new and replacement *fixtures* must be compliant with the BC Plumbing Code.

4.12 Damages to City Property

In addition to all other penalties herein provided, repairs for any damage to any *City* owned property as a result of the improper use or maintenance of the *waterworks system* on a parcel will be the responsibility of the parcel owner. Repairs of the damage must be completed within ten days of the damage occurring. If the parcel owner fails to

make the repairs within ten days, the *City* may complete repairs or arrange for the repairs to be completed at the cost to the parcel owner subject to section 9.1(e)

PART V - CROSS CONNECTION CONTROL

5.1 Cross Contamination

- a) No person may connect any installation, equipment, or source in such manner as to allow any contamination to pass from such installation, equipment, or sources in the *waterworks system*. If any such connection exists, the *City* may suspend or shut off the supply of water to the subject parcel until the problem has been rectified.
- b) If the *Director* determines that a connection or a cross connection, an actual or potential connection between a potable water system and a source of pollution or contamination exists on a parcel which has the potential of contaminating the *City waterworks system*, the *Director* may disconnect the water supply to the parcel in question and give written notice to the parcel owner to correct the connection or cross connection or install an *approved backflow prevention device* at the expense of the parcel owner within a specified time period.
- c) Every parcel owner who is required under this bylaw to have an *approved backflow prevention device* installed must install the *approved backflow prevention device* in accordance with the BC Plumbing Code.
- d) Every parcel owner must, upon the installation of an *approved backflow prevention device* and annually thereafter, or more often as required by the *Director* have the *approved backflow prevention device* inspected and tested by a *certified backflow tester*. The parcel owner must submit the results of all inspections and testing to the *Director* within 30 days of receiving a request to do so.
- e) If any irregularity or malfunction of an *approved backflow prevention device* is observed, the parcel owner must repair or replace the device immediately.
- f) The parcel owner must display a tag in the form prescribed by the *City* for that purpose on the *approved backflow prevention device* showing when the *approved backflow prevention device* was last inspected and tested by a *certified backflow tester*.
- g) The *City* will not activate the supply of water from the *City's waterworks system* to a parcel until the water connection and any plumbing system on the parcel have been completed to the satisfaction of the *Director*.

PART VI - OPERATION AND INSPECTION

6.1 No Duty to Supply Quantity or Quality of Water

Nothing contained in this bylaw shall be construed to impose any duty or obligation upon the *City* to provide a continuous supply of water to any *consumer* nor to supply water of any given quality or pressure.

6.2 Inspection of Premises

Every consumer to whom water is supplied under this bylaw must, at all reasonable times, allow the *City* to enter into and upon their parcel, for the purpose of inspecting the parcel with respect to water pipes, connections, *fixtures*, taps, meters and any other apparatus used in connection with water supplied by the *City's waterworks system*.

6.3 Faulty Works

- a) In the case of leaky or improper pipes or imperfect *fixtures*, meters, or indicators on any parcel, the *Director* shall have authority to stop the supply of water by shutting off the *curb stop* or by detaching the service pipe from the main or by any other means approved by the *Director*:
 - i. after notification to the parcel owner or *consumer*, and the necessary repairs or alterations not being made by such occupant or parcel owner within 48 hours thereafter; or
 - ii. without notice where the conditions of such pipes or *fixtures* cause excessive wastage of water, or damage to a parcel or *City* lands.
- b) If water has been turned off to effect repairs due to faulty works, the water will not be turned back on until the faulty works have been repaired or replaced to the satisfaction of the *Director*.

6.4 Emergency Measures

- a) It is unlawful for any person to use water contrary to an order made by the *CAO* or the *Director*. The *CAO* or *Director* may issue an order to stop, limit or restrict the use of water for certain designated periods to conserve water for potable use during emergency conditions or to ensure proper functioning of infrastructure. Such periods may vary for different areas.
- b) In an emergency the *Director* may suspend or disconnect the supply of water to any *consumer* without notice.

PART VII - BILLING AND COLLECTION

7.1 Fees and Other Charges

- a) Every owner of a parcel served by the *City's waterworks system* must pay to the *City* fees and charges in accordance with the *City's Fees and Charges Bylaw*.
- b) Any fees and charges relating to the *City's waterworks system* if unpaid on December 31 in any year, may be added to and form part of the taxes payable on the parcel.

- c) All fees and charges referenced in this bylaw are determined by the *City's Fees and Charges Bylaw*.

7.2 New Application Fees and Charges

- a) Fees and charges for a new metered service, a service with a water meter attached for determining the quantity of water used or supplied, will commence on the date that the water service is activated, including activation for construction purposes, in accordance with the applicable meter rates as set out in the *City's Fees and Charges Bylaw* subject to section 7.13 [Adjustment for Charges for Partial Period].
- b) Fees and charges for a new unmetered service, a service for which water consumption is charged on a flat rate, will:
 - i. be reduced by 50% in the current billing period if *occupancy*, or a request to commence water service, occurs in the first half of that billing period; or
 - ii. commence in the following billing period if *occupancy*, or a request to commence water service, occurs in the second half of the current billing period.

7.3 Single-Metered Multiple Dwellings

In the case of a *building* or premises that contains two or more dwelling units serviced by a single meter, the *Collector* must issue a single bill for the entire *building* or premises except as provided in section 7.4.

7.4 Single-Meter Duplex and Small Bare Land Strata with Four Units or Less Billing

In the case of a duplex that contains two separate legal parcels serviced by a single meter or a bare land strata with four or less legal parcels, which otherwise would not collect strata fees, will be invoiced as follows:

3213.02

- i. the *Collector* will calculate the total billing charges for the parcels and issue a bill to each parcel owner for an equal proportionate share of the total bill; or
- ii. the *Collector* may alter the allocation of the bill with the consent of all parcel owners . All parcel owners must authorize the request, with a set fee applied to each affected water utility account, as outlined in the *City's Fees and Charges Bylaw*. Any altered allocation will revert to an equal proportionate allocation upon the sale of any one of the properties.

7.5 Meter Size Confirmation

On the request of a parcel owner to have the meter size confirmed, a meter size confirmation fee as specified in the *City's Fees and Charges Bylaw* will be charged in addition to the *water consumption charge* and the *meter service charge* for the specified reading period. If the meter is a different size than the parcel owner is currently billed for the *Collector* will adjust the water bill accordingly, subject to section 7.13.

7.6 Water Meter Testing

On the request of a parcel owner to have their meter tested, a testing fee as specified in the *City's Fees and Charges Bylaw* will be charged in addition to the normal water rates and *meter service charge* for the specified reading period. If the test shows that the meter is over-registering by more than 2%, the testing fee shall be refunded, and the water bill adjusted in accordance with section 7.13. If the test shows the meter to be registering within 2%, the testing fee will be retained by the *City*.

7.7 Adjustment for Inaccurate Meter Reading or Broken Meter

- a) If, in the opinion of the *Collector*, the water consumption reading is inaccurate as the result of a malfunctioned, damaged or broken meter, the *City* will bill the *consumer* for the estimated actual water consumption, subject to section 7.13, based on:
 - i. an average of the water consumption for the current year and up to two previous years, or
 - ii. if there is no reliable consumption data, the greater of the flat rate charge or the *meter service charge*.

- b) If, in the opinion of the *Director*, a meter cannot be replaced or repaired for an extended period of time, the *Collector* will calculate future bills in accordance with section 7.7(a).

7.8 Adjustment for Meter Size

- a) If, in the opinion of the *Director*, a meter installed at a property is larger than what is currently required, the *Collector* may reduce the *meter service charge* accordingly.

- b) In the case where a meter is exchanged during a billing period for a meter of a different size, the *Collector* will prorate the charges in accordance with section 7.13 based on each meter size.

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7.9 Adjustment for Underground Leak

a) The *water consumption charge* for the current billing period and the billing period immediately preceding the current billing period may be adjusted if, in the opinion of the *Director* or the *Collector*, an underground leak on a metered water service:

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- i. has resulted in an elevated water consumption record;
- ii. could not reasonably have been detected by the *consumer*;
- iii. is located in the *consumer's* main water line located underground or within crawlspaces, that have occurred from circumstances beyond the *consumer's* control; and
- iv. is not associated with *micro irrigation or drip irrigation* or conventional irrigation system or plumbing systems and fixtures, including but not limited to, leaking faucets and toilets, hot water tanks, , external taps and hoses.

b) If section 7.9 a) applies, the *City* will adjust the bill for the estimated water consumption, if the following criteria is met:

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- i. the *consumer* detects and repairs the leak and submits an application to the *City* within thirty (30) days of the current utility bill's due date;

- ii. evidence is provided to the *City* which may include written explanation, receipts and pictures detailing the nature of the leak, and actions taken to repair the leak to effectively prevent future leaks of similar nature; and
- iii. the property title holder has not received a leak adjustment on the account during the last five (5) years;

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- c) If section 7.9 b) has been fulfilled, the *City* will adjust the bill for the estimated water consumption, based on:
 - i. an average of the two most recent metered water billing periods prior to the leak; or
 - ii. if there is no reliable consumption data available for the period prior to the leak, the greater of either:
 - A. the flat rate charge;
 - B. the *meter service charge*; or
 - C. daily consumption data collected after the leak has been repaired multiplied by the number of days in the billing period.
 - iii. if the property is on metered sewer, the sewer charge will be adjusted as per the water consumption charge.

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- d) If section 7.9 a) applies and section 7.9 b) has been fulfilled, notwithstanding section 7.9 b) iii, if a secondary leak occurs within five (5) years of a previous leak and the secondary leak is not related to the first leak, the adjustment calculation will be as per section 7.9 c) plus 50% of the incremental water usage.
- e) When an adjustment is made to an account due to an underground leak, the *Collector* will charge an administration fee as set out in the *City's Fees and Charges Bylaw*.

7.10 Adjustment for Water Used for Fire Suppression

If *metered water service* is used for fire suppression, a credit for that water, calculated in accordance with section 7.7, will be credited if the *City* is contacted within 30 days of the date of the fire.

7.11 Adjustment to Fees and Charges Previously Billed

- a) In the case of an adjustment to fees or charges that have previously been billed, unless otherwise provided in this bylaw or the *City's Fees and Charges Bylaw*, the *Collector*:
 - i. will adjust for the current year;
 - ii. may also adjust for up to two calendar years prior to the current year; and
 - iii. must not pay any interest on any overpayment.

7.12 Back Billing for Fees and Charges Not Previously Billed

- a) In the case of fees or charges that have not previously been billed, the *Collector*:
 - i. must issue a bill to the *consumer* for the fees and charges not previously billed from the date that it was discovered the fee or charge ought to have been billed; and

- ii. must not back bill for a period greater than the current year plus the previous calendar year, unless the water meter has been tampered with as provided for in section 4.4 [Water Meter Tampering].

7.13 Adjustment for Charges for Partial Period

Where any charge or fee is prescribed by the month, year or other period, the amount payable for a partial period shall be calculated on a daily proportionate basis, unless otherwise provided in this bylaw or the *City's Fees and Charges Bylaw*.

PART VIII - WATERING RESTRICTIONS

8.1 Watering Restrictions

3213.01

The *CAO* or *Director* may impose watering restrictions as set out in this bylaw when in their opinion they consider water to be in short supply. In exercising discretion to

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determine which watering restrictions to impose, the *CAO* or the *Director* shall be guided by section 8.2 a), section 8.2 b)b), section 8.2 c),and section 8.2 d).

8.2 Watering Restriction Stages

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a) Stage 1 Watering Restrictions are in effect from May 1st through October 31st

- i. Owners or residents of even numbered civic addresses are permitted to water using conventional irrigation systems and sprinklers only on Wednesdays and Saturdays from midnight to 9:00 a.m. or 7:00 p.m. to midnight for a maximum of 2 hours per day.
- ii. Owners or residents of odd numbered civic addresses are permitted to water using conventional irrigation systems and sprinklers only on Thursdays and Sundays from midnight to 9:00 a.m. or 7:00 p.m. to midnight for a maximum of 2 hours per day.
- iii. All automatic sprinkling systems must be programmed to match Stage 1 permitted dates and times or be manually operated to comply with the bylaw.
- iv. Owners or residents are permitted to water newly planted lawns or landscaping on any day of the week between 7:00 p.m. to 9:00 a.m. with an approved Garden Irrigation Permit for a maximum of 2 hours each day.
- v. Commercial enterprises that require water to facilitate normal business activities such as power washing companies or window washing companies, are permitted unless ordered otherwise by the *Director*.
- vi. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation for lawns on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day.
- vii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation for ornamental trees, flowers, and shrubs on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day.
- viii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation for fruit trees and vegetable gardens on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 4 hours per day.

b) Stage 2 Watering Restrictions, as required.

- i. Owners or residents of even numbered civic addresses are permitted to water using conventional irrigation systems and sprinklers only on Wednesdays from midnight to 9:00 a.m. or 7:00 p.m. to midnight for a maximum of 2 hours.
- ii. Owners or residents of odd numbered civic addresses are permitted to water using conventional irrigation systems and sprinklers only on Sundays from midnight to 9:00 a.m. or 7:00 p.m. to midnight for a maximum of 2 hours.
- iii. Owners or residents with a Garden Irrigation Permit approved prior to Stage 2 restrictions being implemented may sprinkle newly planted lawns or landscaping between the hours of 7:00 p.m. to 9:00 a.m. on any day of the week for the duration of the permit for a maximum of 1 hour each day.
- iv. All automatic sprinkling systems must be programmed to match Stage 2 permitted dates and times or be manually operated to comply with the bylaw.
- v. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies, are permitted unless ordered otherwise by the *Director*.
- vi. Garden Irrigation Permits will not be approved during Stage 2.
- vii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation of lawns on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 1 hour per day.
- viii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation of ornamental trees, flowers, and shrubs on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day.
- ix. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation of fruit trees and vegetable gardens on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 4 hours per day.
- x. No person is permitted to wash driveways, houses, sidewalks, or parking lots unless preparing surfaces for painting or preservation or to prepare the surface for pouring of concrete or asphalt.

c) Stage 3 Watering Restrictions, as required.

- i. No person is permitted to water lawns except for newly planted lawns or landscaping with a previously approved Garden Irrigation Permit in effect.
- ii. No person is permitted to wash vehicles or boats.
- iii. No person is permitted to wash driveways, houses, sidewalks, or parking lots, unless preparing surfaces for painting or preservation or to prepare the surface for pouring concrete or asphalt.
- iv. Commercial enterprises that require water to facilitate normal business activities such as power washing companies or window washing companies are permitted unless ordered otherwise by the *Director*.
- v. No person is permitted to fill swimming pools or hot tubs except to replace evaporated water or water lost from general use of the pool or tub.

- vi. Owners or residents with a Garden Irrigation Permit approved prior to Stage 2 restrictions being implemented may use *hand watering*, sprinklers or *micro-irrigation or drip irrigation* on newly planted lawns or landscaping between the hours of 7:00pm and 9:00am on any day of the week for the duration of the permit for a maximum of 1 hour each day.
- vii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation for ornamental trees, flowers, and shrubs is permitted on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 1 hours per day. This does not include soaker hoses.
- viii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation for fruit trees and vegetable gardens on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day.
- ix. Licensed commercial car/boat dealerships are permitted to wash vehicles or boats but are limited to 57 litres per car or boat unless ordered otherwise by the *Director*.
- x. No person is permitted to use fountains or ponds unless using re-circulated water.
- xi. Limited watering of school and municipal playing fields, heavy pedestrian municipal park areas and municipal landscaped planters, and washing of *City* vehicles, is permitted.

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d) Stage 4 Watering Restrictions, as required.

- i. No person is permitted to water lawns.
- ii. No person is permitted to wash vehicles or boats.
- iii. No person is permitted to wash driveways, houses, sidewalks, or parking lots.
- iv. Commercial enterprises that require water to facilitate normal business activities such as power washing companies, window washing, or car washes are not permitted to operate.
- v. No person is permitted to fill swimming pools or hot tubs except to replace evaporated water or water lost from general use of the pool or tub.
- vi. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation of ornamental trees, flowers, and shrubs on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 1 hours per day. This does not include soaker hoses.
- vii. Owners or residents are permitted to use hand watering and micro-irrigation or drip irrigation of fruit trees and vegetable gardens on any day of the week between 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day. This does not include soaker hoses.
- viii. No person is permitted to use fountains or ponds unless using re-circulated water.
- ix. Limited watering of school and municipal playing fields, heavy pedestrian municipal park areas and municipal landscaped planters, and washing of *City* vehicles, is permitted.

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8.3 Garden Irrigation Permits

- a) A *consumer* may apply to the *City* for a Garden Irrigation Permit to sprinkle a new lawn, new sod, or new landscaping when Stage 1 Watering Restrictions are in effect, in accordance with the terms of the permit.
- b) A *consumer* applying to the *City* for a Garden Irrigation Permit must pay the *City* the Garden Irrigation Permit fee set out in the *City's* Fees and Charges Bylaw.

8.4 Non-Compliance with Watering Restrictions

- a) No person may, except in accordance with a Garden Irrigation Permit issued under this bylaw, use water supplied by the *City* in contravention of any watering restrictions or other restriction on water use issued by order of the *Director* pursuant to this bylaw.
- b) A *City* employee may enter a property whose owner or occupier is suspected of violating a watering restriction and:
 - i. require the owner or *consumer* to comply with a watering restriction, or
 - ii. turn off the source of non-compliance if the owner or *consumer* is not present.
- c) If the *City* stops supplying water temporarily under section 8.4(d), the owner or *consumer* must pay the applicable fees set out in the *City's* Fees and Charges Bylaw.
- d) The *Director* may stop supplying water temporarily to a parcel whose owner or *consumer* is violating a watering restriction.

PART IX - OFFENCES AND PENALTIES

9.1 Offences and Penalties

- a) Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable upon summary conviction to a fine of not more than \$10,000, plus the cost of prosecution, and any other penalty or remedy available under the *Community Charter* and the *Offence Act*.
- b) Section 9.1(a) shall not prevent the *City*, or an authorized person on behalf of the *City*, issuing and enforcing a ticket under the *City's* Bylaw Offence Notice Enforcement Bylaw or the *City's* Municipal Ticket Information System Implementation Bylaw.
- c) Where an offence under this bylaw is of a continuing nature, each day that the offence continues, or is permitted to exist, shall constitute a separate offence.
- d) Without restricting the generality of section 9.1(a), failure to comply with an order made under this bylaw constitutes an offence under this bylaw, and the *City*, by its

employees and others, may enter and remedy the offence at the expense of the person defaulting.

- e) Under the provisions set out in the *Community Charter*, any fees or penalties, and any charges for remedying an offence, including all incidental expenses, if unpaid on December 31 in any year, may be added to and form part of the taxes payable on the parcel, as taxes in arrears.
- f) Without restricting the generality of section 9.1(a), any person who obstructs a *City* Bylaw Enforcement Officer, appointed by the *City* for the enforcement of *City* bylaws, *Director*, Peace Officer, Duncan Fire Department member, *City* employee, or other *City* authorized person while performing their duties in relation to this bylaw, is liable upon summary conviction to a fine not more than \$10,000, plus the cost of prosecution.

PASSED FIRST READING 16-November-2020.

PASSED SECOND READING 16-November-2020.

PASSED THIRD READING 16-November-2020.

ADOPTED 07-December-2020

Monika Schittek,
A/Director of Corporate Services

Michelle Staples,
Mayor