



**District of Elkford Water Service**

**Bylaw No. 778, 2016**

**DISTRICT OF ELKFORD  
BYLAW No. 778, 2016**

**A Bylaw to Provide for the Regulation of Water Services**

The Municipal Council of the District of Elkford, in open meeting assembled, enacts as follows:

**1. CITATION**

- (a) This Bylaw may be cited as the “District of Elkford Water Services Bylaw No. 778, 2016.”

**2. DEFINITIONS**

- (a) In this Bylaw:

<b>Account</b>	means an agreement between the Owner and the District of Elkford for the supply of water.
<b>Bleeder</b>	means a device attached to a Water Service for the purpose of discharging water so as to reduce the potential for freezing in the line.
<b>Child Care Centre, Major</b>	means a use which provides for the care of more than eight (8) children in accordance with the <i>Child Care Licensing Regulation</i> under the <i>Community Care and Assisted Living Act</i> .
<b>Child Care Centre, Minor</b>	means the Use of a Dwelling for the care of (8) or less children in accordance with the <i>Child Care Licensing Regulation</i> under the <i>Community Care and Assisted Living Act</i> .
<b>Club</b>	means a Building or establishment used by a philanthropic, social service, non-profit, athletic, business, or fraternal organization for meetings or social, educational, or recreational purposes, including incidental use by the general public.
<b>Coach House</b>	means an Accessory Building used for the purpose of accommodating a Secondary Suite, subordinate and detached from the Principal Single-Unit Dwelling on the same Parcel.
<b>Commercial</b>	means all buildings and uses other than Residential.
<b>Consumer</b>	means a person who has an Account with the District for the supply of water.

<b>Corporation Stop</b>	means the Water Service valve and all accessories and appurtenances located on the distribution main to control the flow of water to the Curb Stop of the Water Service.
<b>Cottage Breweries</b>	means a use, not exceeding 929 m <sup>2</sup> , for the brewing, bottling and marketing of beers, ales and ciders for Retail and wholesale sales, and which shall also include a Retail store, a U-Vin and U-Brew use, and an area for beer, ale, and cider tasting.
<b>Council</b>	means the Council for the District of Elkford.
<b>Cross Connection</b>	means a physical connection between a waterline and another pipe whereby the drinking water is permitted to mix with liquids or solids and thus has potential to become contaminated.
<b>Curb Stop</b>	means the Water Service valves, riser pipe and surface cover, and all accessories and appurtenances located at the Property Line to control the flow of water to the private side of the Water Service.
<b>District</b>	means the District of Elkford as per the Letters Patent and amendments from time to time.
<b>Dwelling</b>	means a Building or portion of a Building designed or used as a Dwelling Unit or Units.
<b>Dwelling, Apartment</b>	means a Dwelling containing three or more Dwelling Units which have common entry and exit facilities, constructed on a Parcel providing Usable Open Space and a Common Activity Area or Areas.
<b>Dwelling, Employee</b>	means a Dwelling Unit accessory to a Principal Use, intended for occupation by an employee of the Principal Use, such as a manager, watchperson, or caretaker.
<b>Dwelling, Townhouse</b>	means a Dwelling containing at least three Dwelling Units separated by party walls, whether subdivided from one another or not, of which each has separate entrance and exit facilities.
<b>Dwelling, Single-Unit</b>	means a Dwelling containing one Dwelling Unit, including a Modular Home, but not including a Mobile Home except where specifically permitted.

<b>Dwelling, Studio</b>	means a Dwelling Unit within a Building having a single habitable room in addition to kitchen facilities and a bathroom.
<b>Dwelling, Two-Unit</b>	means a Dwelling containing two Dwelling Units, including a Modular Home, but not including a Mobile Home except where specifically permitted.
<b>Dwelling Unit</b>	means habitable room(s) used or intended to be used for living and sleeping purposes for not more than one household and containing sleeping, kitchen, and bathroom facilities.
<b>Equipment/ Machinery Light Duty</b>	means light equipment and machinery generally not of a self-propelled nature but does not include bulldozers, scrapers, trenchers, power shovels, drag lines, clamshells, power graders, power hoes, or any other type of heavy equipment of similar weight or horsepower rating.
<b>Food Primary Establishment</b>	means a Restaurant that holds a Food Primary License issued under the <i>Liquor Control and Licensing Act</i> .
<b>Home Occupation</b>	means an occupation, service, profession, or craft carried on in a Dwelling Unit or Accessory Building for remuneration or financial gain.
<b>Hotel</b>	means a Building or part thereof wherein temporary accommodation of the traveling public is provided, and may include Restaurants including Food Primary Establishments, Liquor Primary Establishments, banquet and meeting rooms, Retail stores, and fitness services, as well as in-room kitchens.
<b>Kennel, Class 1</b>	means a Building, Structure, compound, pen or cage, or facility on a Parcel within a Residential or agricultural zone on which a minimum of three (3), to a maximum of five (5) dogs, cats, birds, or other Domestic Animals or some combination not exceeding five animals in total, are kept, trained, boarded, cared for, groomed, harboured or bred, whether for business purposes or not, but does not include the keeping of up to two (2) such animals in a Dwelling Unit as household pets.
<b>Kennel, Class 2</b>	means a Building, Structure, compound, pen or cage, or facility on a Parcel within a non-Residential zone on which three (3) or more dogs, cats, birds, or other Domestic Animals or some combination exceeding three (3) animals in total, are

kept, trained, boarded, cared for, groomed, harboured, or bred for remuneration.

<b>Liquor Primary Establishment</b>	means an establishment that holds a Liquor Primary License issued under the <i>Liquor Control and Licensing Act</i> .
<b>Liquor Store</b>	means the Use of Premises for the Retail sale of liquor, beer or wine for consumption off the Premises.
<b>Medical Marihuana Production Facility</b>	means a facility, licensed by the Federal Government under the <i>Marihuana for Medical Purposes Regulation</i> , used solely for the production, manufacturing, processing, testing, packaging, and shipping of marihuana and marihuana products for medical purposes.
<b>Mobile Home</b>	means a single-wide or double-wide Dwelling, constructed in a factory to CSA Z240MH standards, transported on its own chassis, and placed on a permanent foundation complying with the B.C. Building Code if placed in the Mobile Home Housing zone or on a temporary foundation complying with CSA Z240.10.1 Site Preparation, Foundation and Anchoring of Manufactured Homes if placed in the Mobile Home Park Zone, and does not include a Recreation Vehicle.
<b>Modular Home</b>	means a Dwelling constructed in a factory to CSA A277 standards, transported to a building site on a flat-deck trailer and placed on a permanent foundation complying with the B.C. Building Code, and does not include a Mobile Home or Recreation Vehicle.
<b>Office</b>	means Premises for the provision of professional, management, administrative, consulting, or financial services, including but not limited to lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies, printing, publishing, and media production, but excludes the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacture or other handling of a physical product.
<b>Owner</b>	means a person registered under the <i>Land Titles Act</i> as the Owner, or any other person lawfully in possession or occupancy of buildings or property in the District of Elkford.

<b>Parcel</b>	means an area of land designated as a separate and distinct Parcel on a subdivision or strata plan filed in the <i>Land Title Office</i> .
<b>Personal Services</b>	means the provision of out-patient preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling health services, and services related to the care and appearance of the body and the maintenance of personal effects, including tailoring.
<b>Potable Water</b>	means water that is free of harmful material and contains contaminants at such low levels that the risk of drinking it is negligible.
<b>Premises</b>	means an area enclosed in walls.
<b>Property Line</b>	means the legal surveyed boundary of a property.
<b>Rates</b>	means the charges for supply of water set out in <b>Schedule 'A'</b> of this Bylaw.
<b>Residential</b>	means Dwellings which are used primarily for the purpose of residence by Persons on a permanent, temporary or seasonal basis.
<b>Retail</b>	means the sale of goods to the general public, including sales at convenience stores, grocery and produce stores, and pharmacies, but not the sale of liquor in a Liquor Store.
<b>Restaurant</b>	means Premises for the preparation, service and sale of food to the public for immediate consumption, within the Premises or at other Premises, and includes a Food Primary Establishment except where expressly prohibited, but excludes Premises for the consumption of food in motor vehicles parked on the site, or with drive-through takeout facilities.
<b>Rooming House</b>	means a building in which the Owner or manager resides and where more than two (2) Sleeping Units are made available for remuneration, with and without meals being provided. It does not include Hotels, motels, bed and breakfasts, or community care facilities.

<b>Salvage Yard</b>	means an open area accessory to a Principal Use including a vehicle wrecking or dismantling yard, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires, and bottles.
<b>Seal</b>	means a copper wire and District Seal used to Seal Water Meters and valves which cannot be removed without physically damaging the copper wire or Seal.
<b>Secondary Suite</b>	means a Dwelling Unit accessory to a Single-Unit Dwelling contained within a Single-Unit Dwelling or permitted accessory building.
<b>Service Station</b>	means any building or land, used for the Retail sale of motor fuels and lubricants and includes automobile diagnostic centres, the washing, servicing and repairing of motor vehicles, and the sale of automotive accessories, but excludes all other sales and services, auto body shops, and vehicle painting.
<b>Sleeping Unit</b>	means a unit of accommodation that includes a sleeping room and may include a bathroom, and a kitchen.
<b>Standpipe</b>	means a separate Water Service to be used for fire protection purposes only.
<b>Taxidermy</b>	means preparing and mounting skins of animals in a lifelike manner for Commercial purposes.
<b>U-Vin/U-Brew</b>	means a Commercial establishment that provides assistance and instruction in the process of making wine or beer for consumption by the customer and not for resale.
<b>Vehicle and Equipment Sales, Rental, and Service</b>	means a use of land, buildings, or structures for the sale of vehicles and equipment, including parts, tires, and related supplies other than motor fuels, vehicle and equipment repair and installation, vehicle body fabrication, repair, and painting, and vehicle towing
<b>Water Main</b>	means the pipe, pipes or system of pipes to which Water Service pipes are attached.

<b>Water Meter</b>	means a device designated and approved by the District in each Water Service for the purpose of measuring water volume.
<b>Water Service</b>	means the water line and appurtenances extending from the Water Main to the building or Premises.
<b>Water System</b>	means the pumps, pipes, valves, controls, equipment, and all accessories and appurtenances thereto used for the distribution of water within the District and owned and operated by the District.

### **3. ADMINISTRATION**

- (a) A water distribution system is hereby established and continued for the District and the use, maintenance and operation of it shall be under the control and inspection of the District.
- (b) District of Elkford Bylaw Enforcement Officer or designated representative may inspect the Premises of any Owner to investigate any contravention of this Bylaw and to issue a ticket as may be necessary for the carrying out of the provisions of this Bylaw.
- (c) The District may discontinue Water Service provided by the District to any Parcel or Premises in the event that the Owner breaches this Bylaw or any amendment thereto.

### **4. EXTENSION OF MAINS**

- (a) No extension of Water Mains shall be constructed without authorization in writing from the District.

### **5. EMERGENCY RESTRICTIONS AND PROHIBITIONS**

- (a) The District may at any time in the case of emergency or water shortage make orders restricting the use of water either by all Consumers or by any particular class of Consumers and either throughout the District or in any particular areas of the District. The order may specify that such restricted use of water shall apply during such hours or such days of the week as may be specified in the order.
- (b) No person shall use water from the Water System in contravention of the terms of any order made by the District.
- (c) The District may take such steps as it deems necessary to publicize the terms of an order made pursuant to Section 5(a).
- (d) The District Water Conservation Bylaw No. 769, 2015 shall be in effect which promotes water conservation by implementing watering restrictions for irrigation purposes.

## 6. INTERRUPTIONS OF SERVICE

- (a) The District is hereby authorized to:
  - (i) order that the water be shut off without notice for such length of time as may be necessary to permit construction or repairs to the Water System; and
  - (ii) in cases of fire or emergency, shut off the water without notice in all or any part of the District as required.
- (b) In all cases where boilers and water heating systems are supplied with water from the Water System, the Owner of the boilers and water heating systems shall apply a safety valve, vacuum valve or other proper device to prevent danger from collapse, element burnout or explosion when the water supply is interrupted.

## 7. HYDRANTS AND VALVES

- (a) No person shall open, close or interfere with any hydrant or valve of the Water System without the permission of the District.
- (b) All hydrants shall be kept clear of all debris and snow.
- (c) All private hydrants must be serviced and proof of maintenance is to be provided as required by the most current version of the fire code. If proof of service cannot be provided to the District, the District may service the hydrant body and charge the Owner a fee as set out in the **Schedule 'A'** of this Bylaw.

## 8. APPLICATION FOR NEW WATER SERVICE

- (a) Any Owner desiring a new Water Service shall complete and sign an application provided by the District and pay the fee set out in **Schedule 'A'** of this Bylaw. The said application when accepted by the District shall form a binding contract between such Owner and the District by which the Owner is bound by all of the provisions of this Bylaw and other regulations of the District in connection with the supply of water.
- (b) Any Owner who receives Water Service from the District is liable to the District for all charges associated with that supply of water.

## 9. NEW SERVICE CONNECTIONS

- (a) An Owner requiring a Water Service from the Water System may request of the District that their Parcel be connected to the Water System. The Owner or their authorized agent at the time of making a request for a Water Service connection shall be required to pay to the District, in advance, an amount equal to:

- (i) the amount as specified in the **Schedule 'A'** of this Bylaw if the connection is to be made by a contractor or Owner. The Water Service line shall be left uncovered until it has been inspected and approved by the District.
  - (ii) the estimated cost of the Water Service connection as calculated by the District and subject to a refund or further payment depending on the actual cost when the work is completed if the connection is to be made by the District.
- (b) In respect of any request for Water Service installation, the Owner or their authorized agent shall provide the District with a site plan on which the size and location of the required Water Service is shown.
- (c) The expense of installing any Water Service connection to a subdivided Parcel, or portions of the same, shall be borne by the Owner.
- (d) The Owner shall notify the District a minimum of 2 business days (48 hours) prior to requiring an inspection of any Water Service installation, or making any requests for connections to the existing Water System.
- (e) An Owner or occupier of land may, with the written permission of the District, install at their own cost a Water Service line and Sealed Standpipe to be used for fire protection purposes only.
- (f) No person shall open any Sealed Standpipe installed under Section 9(e) except for the purpose of extinguishing a fire.
- (g) Every Owner or occupier of Premises on which a Sealed Standpipe has been installed shall notify the District as soon as reasonably possible of any damage to or breakage of the Standpipe Seal regardless of the cause of the damage or breakage, and in no event shall such notice be given more than 24 hours after the damage or breakage comes to the attention of the Owner.
- (h) The District may require the disconnection of any Standpipe installed under Section 9(e) if the Owner or occupier contravenes Section 9(f) or fails to notify the District of damage to or breakage of the Standpipe Seal in accordance with this Bylaw.
- (i) Every newly constructed, reconstructed or renovated premise, with the exception of Dwelling Units separately serviced from a District Water Supply, shall have a Cross-Connection control device installed on the Owner's plumbing system where the service enters the building, or in a location approved by the District.

## **10. INSTALLATION OF SERVICE**

- (a) The service pipe from the Water Main to the Property Line shall meet standards for engineering and materials established by the District and must be connected by fittings and materials approved by the District, and such Service pipe shall be installed at all

points between the Property Line and the main at not less than a depth below the surface of the ground approved in writing by the District.

- (b) There shall be placed on each Water Service pipe a Curb Stop, at or near the Property Line within the District of Elkford right-of-way or utility easement, for the purpose of turning the water supply on or off. Over the service valve there shall be placed a metallic valve box of a design approved by the District.
- (c) An inside main shut-off valve shall be located immediately inside all buildings.
- (d) Unless authorized by the District to do so, no person shall in any way utilize a curb stop, interfere with a curb stop, or turn a Water Service on or off.
- (e) No Owner shall install, use, or allow the installation or use of any device to increase water pressure except beyond the extent of any service and except when such device will not increase the water pressure in any service.
- (f) No person shall install branch supply lines, outlets or fixtures on the upstream side of a Water Meter or on the upstream side of an inside main shut-off valve, except as authorized by the District.
- (g) The District shall require insulated Water Service lines or insulated trench boxes to counteract freeze up of services.

#### **11. SERVICE UPGRADE**

- (a) When a Water Service pipe becomes inadequate to supply the volume of water required to any building or Premises, and the Owner desires a larger Water Service pipe, the Owner is required to prove the existing service is inadequate through water demand calculations and submit this information to the District. Upon the District's review of the service upgrade calculations supplied by the Owner to the District, the District shall make the final decision for the upgrade. If the Water Service upgrade is approved, the Owner shall pay for all costs associated with the upgrade, and, upon receipt of the payment to the District for the cost of installation, the District shall authorize installation of the larger service.

#### **12. SERVICE CONNECTIONS**

- (a) A Parcel shall be considered serviced once a connection has been made from the Water System to the Property Line and a Water Service is considered live when connected to the Premises. All Water Service installations requested by the Owner or necessitated by demolition, excavation, renovations, or other works shall be paid for in their entirety by the Owner.
- (b) Unless otherwise provided for in this Bylaw, only one Water Service connection will be permitted on any one Parcel.

- (c) Outbuildings must be tied in on the downstream side of the Water Meter if installed.
- (d) For Parcels other than Single-Unit Dwelling Parcels, the District may authorize more than one Water Service connection.
- (e) The size of the Water Service shall be a minimum 25 mm in diameter or sized in accordance with the provisions of the latest edition of the *British Columbia Building Code*.
- (f) The Water Service shall be run from the Water Main to the property in the shortest way possible. All installations shall provide consideration for accessibility and maintenance as approved by the District.
- (g) The District may decide where the Parcel will be serviced from.
- (h) Any expense incurred by the installation of any approved additional Water Service shall be borne by the Owner.
- (i) All persons doing any work or servicing upon a private Water Service or the plumbing system attached thereto shall comply with the provisions of the latest edition of the *British Columbia Building Code*, all regulations passed there under, and all applicable Bylaws of the District.
- (j) No person shall tap or make any connection whatsoever with any public Water Main or other part of the Water System without the written permission of the District.
- (k) No person shall connect, cause to be connected, or allow to remain connected to the Water System any piping, fixture, fitting, container, or appliance, in a manner which under any circumstance may allow water, waste water, or any other liquid, chemical or substance to enter the Water System.
- (l) The Owner shall maintain clear access to the curb stop and shall not place, bury, or plant any obstructions that may prevent access. The Owner is responsible that the curb stop be kept accessible and operable. The District will provide Parcel service maps to the Owner. Surface locates for the Curb Stop can be requested, but no digging will be done by the District. Curb Stop locates shall be charged as set out in **Schedule 'A'** of this Bylaw.

### 13. SERVICE TERMINATION

- (a) No person shall cause, permit or allow to be demolished or removed a building connected to the Water System:
  - (i) until application is made to the District to terminate the service connection;

- (ii) until the District has been paid the termination costs provided for in **Schedule 'A'** of this Bylaw, and the Water Service has been disconnected.
- (b) All Water Service terminations will be carried out at the Corporation Stop except when the District considers it appropriate and permits the Water Service to remain connected from the Water Main to the curb stop.
- (c) Applications for termination of Water Service shall be made in writing to the District not less than fourteen (14) days prior to the requested date of disconnection.
- (d) Any Consumer requesting a temporary water turn-off shall pay a fee for such disconnection and a further fee for water turn-on, both in the amounts as set out in the **Schedule 'A'** of this Bylaw.

#### **14. WATER MAIN**

- (a) An Owner wishing to connect to the Water System in circumstances requiring the extension or upgrading of a Water Main and not involving either the approval of a subdivision or the issuance of a building permit in respect of the Owner's land, must provide information demonstrating that the existing Water Main is adequate to supply the required service and identifying any required upgrades or extensions, which shall be designed to the MMCD standards of this Bylaw, and the connection shall be subject to the approval of the District. If the connection is approved, the work shall be carried out by the District at the cost of the Owner, to be paid in advance, and the work shall not be subject to s. 939 of the *Local Government Act*.

#### **15. MAINTENANCE OF SERVICE CONNECTIONS**

- (a) No person other than a person authorized by the District shall construct, repair, or maintain any Water Main or Water Service connection on District property.
- (b) The Owner shall be responsible for the maintenance of the Service connection from the outer edge of the discharge side of the curb stop at or near the Property Line throughout their property and into their Premises.
- (c) The Owner shall be responsible for any damage and any repair to the service connection from the outer edge of the discharge side of the curb stop at or near the Property Line throughout their property and into their Premises.
- (d) No persons except the authorized agents of the District shall turn on or off a curb stop or isolation valves.

#### **16. CROSS CONNECTIONS AND BACKFLOW PREVENTION**

- (a) The District of Elkford Cross Connection Bylaw No. 756, 2014 shall be in effect which requires that no person shall install or allow to exist any Cross Connection that, under

any conditions, could cause or allow Potable Water to become contaminated or polluted in any way.

- (b) Where the District determines that there exists a Cross Connection, the District may give notice to the Owner to correct the Cross Connection at the expense of the Owner within the time specified in the notice by the District.
- (c) Where the Owner fails to correct the Cross Connection in accordance with the notice, in addition to any other penalty, the District may turn off the Water Supply for such time as the prohibited Cross Connection continues.

#### **17. FROZEN SERVICES**

- (a) When a service line is frozen the Owner shall be responsible for thawing the service line.
- (b) 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.
- (c) The Owner will, at their own expense, install a Bleeder device approved by the District, if one is not already installed. Freeze protection devices will be turned on no later than October 31<sup>st</sup> and turned off by May 1<sup>st</sup>.

#### **18. METERS**

- (a) Except where otherwise provided in this Bylaw, all water supplied pursuant to this Bylaw may be measured by a Water Meter including a remote reading device, of a design and capacity approved by the District.
- (b) Should a Water Meter or remote reading device be damaged or destroyed on the property of an Owner, the cost of repairing or replacing the Water Meter or remote reading device shall be paid by the Owner.
- (c) No person shall tamper with or remove any Water Meter Seal.
- (d) Every Owner or occupier of Premises on which a Sealed Water Meter has been installed shall notify the District as soon as reasonably possible of any damage to or breakage of the Water Meter Seal regardless of the cause of the damage or breakage, and in no event shall such notice be given more than 24 hours after the damage or breakage comes to the attention of the Owner.
- (e) One Water Meter together with a remote reading device will be supplied by the District to the Owner at the Owner's expense for each Water Service connection which is not a fire protection service, or as otherwise specified by the District. All Water Meters and remote reading devices shall at all times be the property of the District.

- (f) No person, other than an employee of the District or a person authorized in writing by the District, shall install, test, remove, repair, replace, or disconnect a Water Meter or a remote reading device.
- (g) Should an Owner request the installation of an additional Water Meter and remote reading device on a property where there is only one (1) Water Service connection, the cost of the additional Water Meter and remote reading device and the cost of their installation shall be the responsibility of the Owner.
- (h) The size of any Water Meter to be installed shall be determined as follows:
  - (i) the Water Meter shall be a minimum 25 mm in diameter or one size smaller than the diameter of the service pipe; and
  - (ii) if the service is a combined service (to supply water for fire protection as well as water for other purposes), the internal diameter of the service branch not to be used for fire protection purposes shall determine the Water Meter size.
- (i) Except where otherwise provided in this Bylaw, no person shall do or allow to be done any act or thing that results in a use or flow of water from the Water System that is not measured by a Water Meter of a design and capacity approved by the District unless the District has authorized that use or flow.
- (j) If the District becomes aware of any use or flow of water that is not measured by a Water Meter of a design and capacity approved by the District and that has not been authorized by the District, the District may take all necessary steps to stop that use or flow of water until a Water Meter has been installed pursuant to the provisions of this Bylaw.

## **19. PROTECTION OF METERS**

- (a) An Owner is responsible for the safekeeping of the Water Meter and any remote reading device that may be installed with the Water Meter on the Owner's property.
- (b) An Owner shall protect the Water Meter and connecting valves and pipes from freezing, excessive heat, overheating of water, external and internal damage of any kind or any other thing which may affect the operation or reading of a Water Meter and shall pay the cost of repairing or replacing any Water Metering facility supplied and installed by the District that may be damaged from the foregoing causes or any causes within the Owner's control.

## **20. METER INSTALLATION**

- (a) The Owner of every building shall make provision of a location acceptable to the District for installation of a Water Meter for each Water Service and shall supply all required plumbing for the installation of a Water Meter.

- (b) Water Meters shall be located at the point at which a Water Service pipe enters Premises unless the District directs in writing that another location is to be used.
- (c) If buildings or Premises require more than one Water Service, the Owner shall be billed separately for water used through each meter.
- (d) The Owner of a building shall, at their own expense, ensure that the District has access to all related piping from the time the Water Meter is installed.
- (e) The Owner of any Premises who wishes to maintain an uninterrupted water supply during periods when the District requires that Owner's Water Meter to be removed for servicing, testing or some other purpose shall, at their own expense, provide a valved bypass and a valve within 300 mm on either side of the meter. The bypass valve shall be Sealed by the District and shall be opened only in case of emergencies or to allow meter servicing. The District shall be notified by the Owner within twenty-four (24) hours of the Seal on the bypass valve being broken.

## **21. RELOCATING METERS**

- (a) An Owner may request the relocation of a Water Meter and the District may grant that request provided:
  - (i) all costs incurred in relocating the Water Meter are borne by the Owner; and
  - (ii) the new meter location satisfies the requirements specified in this Bylaw.

## **22. METER READING**

- (a) Every Owner shall provide to the District free and convenient access to the Premises and building at all reasonable times for the purpose of reading Water Meters.
- (b) In the event that the District is unable to obtain access to the Premises to obtain a Water Meter reading during one (1) full three (3) month billing period, water charges for that billing period will be billed on estimated consumption.
- (c) In the event that the District is unable to obtain access to the Premises to obtain a Water Meter reading during two (2) full three (3) month billing periods, water charges for those billing periods will be billed on estimated consumption and the District may terminate Water Service to the Property.
- (d) The District shall read Water Service meters only. Any additional meters installed by an Owner shall not be subject to District Water Meter reads and shall not be considered in the calculation of the Owner's water charges.

**23. TAMPERING WITH METERS**

- (a) No person shall tamper in any way with a Water Meter or remote-reading device.

**24. TESTING OF METERS**

- (a) Upon request by an Owner, but not more than once during each calendar year, the Water Meter on the Owner's Service shall be removed and tested, and:
  - (i) if, on testing, the meter is found to register within three (3%) percent of the water passing through same, the meter shall be deemed to be measuring correctly and the cost for meter removal, testing and reinstallation shall be paid in full by the Owner;
  - (ii) if, on testing, the meter is found to register a greater or lesser amount than three (3%) percent of the water passing through same, the meter shall be deemed to be measuring incorrectly and the cost for meter removal, testing and re-installation of a correct meter shall be paid in full by the District;
  - (iii) when an Owner requests a meter test and such meter is found to be within three (3%) percent accurate, that Owner shall be billed for the volume as registered by the said meter and the meter need not be tested again during the next 12-month period; and
  - (iv) when an Owner requests a meter test and such meter is found to register a greater or lesser amount than three (3%) percent of the water passing through same, the District shall adjust that Owner's water charge for the most recent billing period to reflect the degree of inaccuracy in the tested meter.
- (b) The District may implement:
  - (i) a scheduled meter replacement program; and
  - (ii) a scheduled program of meter testing for all Services of two (2) inches in diameter or greater.

**25. DETERMINING CONSUMPTION WHEN NO METER IS INSTALLED OR INOPERATIVE**

- (a) When meters are installed and have failed to register, the following methods shall be used for determining consumption:
  - (i) If, in the sole opinion of the District, the same or similar conditions of consumption prevail in the metered Premises, consumption shall be estimated on the basis of the consumption during the same month in the preceding year; or

- (ii) If, in the sole option of the District, the same or similar conditions do not prevail in the metered Premises or no records exist for the preceding year, a fair estimate, in the sole discretion of the District, shall be set by the District; and
  - (iii) The Rates applied shall be those in effect for that type of service during the months in question in **Schedule 'A'** of this Bylaw.
- (b) Where meters have not been installed, the Rates shall be determined by the District based on the specific usage as set forth in **Schedule 'A'** of this Bylaw.

## **26. REMOVING METERS AND MUNICIPAL EQUIPMENT**

- (a) When any Owner wishes to discontinue the use of Water Services furnished by the District or when the District, in accordance with this Bylaw, wishes to discontinue providing Water Service to an Owner, the District may, at all reasonable times, enter the Premises in or upon which such Owner was supplied with Water Service, may remove meters, pipes or other things that are the property of the District, and shall charge to the Owner all costs associated with the discontinuation of Water Services and the disconnection of the service at the Water Main.

## **27. BLEEDERS**

- (a) Every Owner must install a Bleeder valve and operate in accordance to Section 27(d).
- (b) No person shall install a Bleeder unless its installation:
- (i) is located downstream of the Owner's Water Meter;
  - (ii) terminates in an aperture of 6 mm in diameter; and
  - (iii) incorporates a valve allowing shut-off of Bleeder flow.
- (c) The District may take at the cost of the District such actions as are necessary to ensure the Bleeder installation conforms to the requirements of Section 27(b) herein.
- (d) No person shall release water through a Bleeder or allow the release of water through a Bleeder between the period of April 30 to October 31 of any calendar year.
- (e) Where the Owner of a Property operates a Bleeder as per Section 27(d) and as described in Section 27(b), that Owner shall be credited on their water bill the value of the calculated volume of water passing through the Bleeder as approved.

## **28. BULK WATER STATION**

- (a) No person shall provide or sell Potable Water as a commodity.

- (b) Any person wishing to obtain Water from the District's bulk water station shall in advance apply for a hydrant permit and pay the fee as set forth in **Schedule 'A'** of this Bylaw.

## 29. WATER RATES AND CHARGES

- (a) The Water Rates to be charged by and that shall be payable to the District under the terms of this Bylaw for water supplied to or made available for use by an Owner, shall be those set forth in **Schedule 'A'** of this bylaw on or before the due date. Upon new or terminated services, the District may issue pro-rated invoices or adjustments at the discretion of the District.
- (b) Rates levied under **Schedule 'A'** for Residential will be invoiced to the Owner with the annual tax notice each year and will be construed as current year's taxes and will be subject to penalties and interest in the same manner as other taxes.
- (c) Rates levied under **Schedule 'A'** for multiple Dwellings or Commercial Premises will be invoiced to the occupier on a quarterly basis, and the due date for payment will be the last day of the second month of the quarter in respect of which a bill has been issued.
- (d) All amounts payable under this bylaw with the exception of the annual Residential billings will bear simple interest of 2.5% calculated on quarterly billings until paid or until the end of the current year, whichever occurs first.
- (e) Where charges for services provided by the District under this bylaw remain unpaid after the 31<sup>st</sup> day of December in any year, they will be deemed to be taxes in arrears on the property in respect of which they were levied and will promptly be entered as such on the tax roll by the Collector.
- (f) Non-receipt of a user rate invoice will not exempt the Consumer from liability for payment for the service received.
- (g) The Owner/occupier shall notify the District in writing when any changes or modifications are made to the Premises that may affect the water Rates.
- (h) The District shall bill and collect from the Owner/occupier the appropriate Rates, fees and charges from the time the changes or modifications to the Premises were found to have first existed.
- (i) The interpretation and application of the water Rates schedule is the responsibility of the District.
- (j) All charges payable under this Bylaw shall be paid to the District and the collection of all disbursements connected with the operation of the water works and supervision of books of Accounts shall be under the immediate control and direction of the District.

- (k) If a service line is found to be turned on and no record of the turn on exists in the Districts files, the District may charge to the Consumer any applicable Rates, fees or charges to the time when the District determines that the property was occupied.

### **30. RIGHT OF INSPECTION AND ACCESS**

- (a) The District is hereby authorized to enter at all reasonable times any property subject to this Bylaw to ascertain whether this Bylaw is being observed. The District may make inspections of all pipes, taps and fixtures used for distributing water and if found defective or if any wastage of water is found to exist, the District may give notice to the Owner to have the matter remedied.
- (b) If any matter of which the notice is given under this Section is not remedied within the time limit specified by the District, the Water Supply may be shut off until the matter is remedied.

### **31. APPOINTMENT CANCELLATIONS**

- (a) If a service appointment is scheduled for the District or any other employee or agent of the District to attend upon the Owner, at their Premises or otherwise, with respect to any matter relating to this Bylaw, the Owner shall pay the charge set out in **Schedule 'A'** of this Bylaw in the event that the Owner or authorized agent fails to attend at the appointed time.

### **32. PENALTIES**

- (a) A Person is guilty of a contravention of this Bylaw and commits an offence who:
  - (i) violates any provisions of this bylaw;
  - (ii) causes or permits any act or thing to be done in contravention or violation of any provisions of this bylaw; or
  - (iii) neglects or omits to do anything resulting in contravention of this bylaw.
- (b) For each day that a contravention of this bylaw occurs, such shall constitute a separate and distinct offence.
- (c) Every Person who commits an offence under this bylaw is liable to:
  - (i) a fine and penalty of not more than \$1,000.00 and not less than \$100.00 for each offence if issued a municipal ticket under the District Ticket Information Bylaw or any amendments thereto; or
  - (ii) a fine and penalty of not more than \$10,000.00 and not less than \$500.00 for each offence if prosecuted pursuant to the provisions of the *Offence Act*, R.S.B.C., Chapter 338.

- (iii) In addition to any other remedy available to the District for non-compliance with this Bylaw, the District may correct the violation and the costs incurred therefore shall be paid to the District upon demand and failing payment, may be collected as a debt due to the District.

**33. SEVERABILITY**

- (a) If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

District of Elkford Waterworks Bylaw No. 428, 1992 and all its amendments are hereby repealed.

Read a first time this 11<sup>th</sup> day of January, 2016.

Read a second time this 11<sup>th</sup> day of January, 2016.

Read a third time this 11<sup>th</sup> day of January, 2016.

Adopted this 25<sup>th</sup> day of January, 2016.

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Dean McKerracher  
Mayor

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Curtis Helgesen  
Chief Administrative Officer

**Bylaw No. 778, 2016**  
**Schedule 'A'**  
**Water Service Fees**

	<b>Water Use Flat Rate</b>				
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Annual Rate</b>					
<b>Residential</b>	\$223.50	\$230.25	\$238.25	\$245.50	\$252.75
Single-Unit Dwelling; Two-Unit Dwelling; Mobile Home; Modular Homes; Townhouse Dwelling; Secondary Suite; Studio Dwelling; (per Dwelling Unit)					
<b>Quarterly Rate</b>					
<b>Commercial Light Use</b>	\$64.50	\$66.50	\$68.50	\$70.50	\$72.50
Office; Retail; Liquor Store; church; other commercial use not defined elsewhere					
<b>Commercial Medium Use</b>	\$85.00	\$87.50	\$90.25	\$93.00	\$95.75
Bakery; bowling alley; butcher; community hall; Class 2 Kennel; Club; Cottage Brewery; florist; greenhouse; Liquor Primary Establishment; Major Child Care; Personal Services; Service Station without car wash; U- Vin/U-Brew;					
<b>Commercial Heavy Use</b>	\$172.25	\$177.50	\$183.00	\$188.50	\$194.25
car wash (per bay); Cottage Brewery; dry cleaner; Equipment/Machinery Light Duty; grocery store; Laundromats; medical clinic; Salvage Yard; Service Stations; Vehicle/ Equipment Sales, Rental and Service; Taxidermy					
<b>Commercial Other:</b>					
Apartment Dwelling; Manufactured Home Parks; (per Dwelling Unit/Manufactured Home Space)	\$56.00	\$57.75	\$59.50	\$61.25	\$63.00
Motels; Hotels; Rooming House; Hostels (per Sleeping Unit)	\$29.50	\$30.50	\$31.50	\$32.50	\$33.50
Restaurants- under 75 seats per seat	\$6.00	\$6.25	\$6.50	\$6.75	\$7.00
Restaurants- over 75 seats per seat	\$3.50	\$3.75	\$4.00	\$4.25	\$4.50
Swimming Pools (private)	\$14.75	\$15.25	\$15.75	\$16.25	\$16.75
Schools (per room)	\$53.25	\$54.75	\$56.50	\$58.25	\$60.00

Medical Marihuana Production Facility	\$689.00	\$710.00	\$732.00	\$754.00	\$777.00
Home Occupation - Personal Services (per chair/unit)	\$21.25	\$22.00	\$22.75	\$23.50	\$24.25

Where two or more uses are made of a single property or building, multiples or combinations of the user rates shall apply.

Home Occupation users will be charged a commercial user rate should water service be specifically required in their operation.

**Connection/Disconnection Fees:**

**Water Service Fee: applicable to GST**

For each 25 mm Residential/Commercial service connection installed to the Water Main and payable at time of building permit application.

\$500.00	\$515.00	\$530.00	\$545.00	\$560.00
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For each Residential/ Commercial service connection larger than 25 mm installed to the Water Main and payable at time of building permit application.

\$600.00	\$620.00	\$640.00	\$660.00	\$680.00
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To Seal off an abandoned service connection (excludes excavation costs).

\$200.00	\$206.00	\$212.25	\$218.75	\$225.50
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Curb stop locate, water on/off.

\$50.00	\$51.50	\$53.25	\$54.75	\$56.50
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**Miscellaneous Charges:**

Fire Hydrant Use Permit: Payable in advance

Damage/use deposit \$2,000.00

Administration charge deposit - estimated cost - four hours \$300.00

Usage charge: \$50 per day x 14 days \$700.00

Private Hydrant Service Labour, Parts and Administration as per District of Elkford Fees and Charges Bylaw.