

DISTRICT OF INVERMERE

BYLAW NO. 1198

A Bylaw for regulating the Water Works of the District of Invermere

WHEREAS the *Local Government Act* authorized Local Government to engage in commercial, industrial and business undertakings;

AND WHEREAS the Water Utility Bylaw was established by Bylaw No. 1053; and then rates were subsequently amended by Bylaw No. 1077 and Bylaw No. 1114;

NOW THEREFORE, the Council of the District of Invermere, in open meeting assembled, enacts as follows:

This Bylaw shall be cited as "Water Utility Bylaw No. 1198, 2003".

DEFINITIONS

1. In this Bylaw, the following definitions shall apply:

"Approved Backflow Prevention Assembly" means an assembly that has been approved in accordance with the British Columbia Plumbing Code 1992 and the District, for preventing backflow.

"Authorized Agent" includes a Person, Firm or Corporation representing the District of Invermere by written consent.

"Backflow" means the flow of water or other fluids in the direction opposite to normal flow.

"Building Inspector" means the person authorized by Council to administer the BC building code on behalf of the District of Invermere.

"Consumer" shall mean any person who is the owner or agent for the owner of any premises to which water is supplied from the works, and also any person who is the occupier of any such premises;

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water which may render the water non-potable, according to regulations of the Province of British Columbia.

"Cross-connection" means any physical piping arrangement where a public water supply is directly or indirectly connected to a secondary water source, fixture or device that may contain contaminants, sewage or other waste liquid capable of contaminating the water supply.

"Council" shall mean the Municipal Council of the District of Invermere.

"Director of Municipal Works" means the person appointed by the Municipal Council as such and includes employees of the District and agents authorized by the District when acting under the direction of the Director of Municipal Works.

"District" shall mean the Municipal Area comprised within the boundaries of the District of Invermere, or the District of Invermere, as the context may require.

"Drinking Water" means water that has sufficiently low concentrations of microbiological, organic, inorganic, chemical, radiological or physical substances so that individuals ingesting such water will not be exposed to disease organisms or other substances that may produce harmful physical effects.

"Inspection" means an on-site review of the water source, facilities, meters, equipment, operation or maintenance for the purpose of evaluating for conformity with the terms and conditions of this bylaw.

"Meter" means an apparatus for measuring and recording the quantity of water passing through it and shall include all accessory materials required for the installation and operation of the meter.

"Meter Pit" means a chamber installed in the ground over a residential service for the purpose of installing a water meter within the meter pit.

"Person" shall include any person or persons, company or companies, corporation or corporations, partnership or partnerships.

"Private Service" means a privately owned pipe in a water system on private property that conveys water from a service at the property line to the control valve inside of the building on the upstream side of the water meter.

"Rate" and "Rates" shall mean the price or sum of money to be paid by any consumer either for the given quantity of water supplied to him as measured by a meter or to be paid for a service to his premises for a stated period of time or a lump sum charge where a meter is absent.

"Rent" shall mean the charge made for the user of a meter placed on a service.

"Service" shall mean and include the supply of water from the works to any person, and all the taps, valves, meters, connection and other things necessary to and actually used for the purpose of such supply;

"Works" shall mean the water works of the District.

2. There is hereby created a Water Works Department of the District of Invermere and the Director of Municipal Works will supervise the same, among whose duties it shall be to see that the provisions of this Bylaw are enforced and carried out.
3. The Director of Municipal Works shall have power, subject to the consent of the Council, to employ such inspectors as he shall deem necessary for the purpose of effectual carrying out the provisions of this Bylaw, and whenever the Director of Municipal Works is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any inspector or employee authorized by such Director of Municipal Works to perform such act or duty.
4. The Director of Municipal Works is hereby authorized and directed to have a general supervision over the installation, construction and maintenance of all water works in the District, and it shall be his duty to see that all water works are installed, constructed and maintained in such condition that they will not cause damage to life or property.
5. Before any person shall install or construct any water works, or shall commence doing any construction work in relation to or concerning the same, he shall notify the Director of Municipal Works in writing. If required by the Director of Municipal Works he shall furnish a plan and specification which shall show: (a) the purpose for which the water works are to be used; the size of pipes and the number of outlets in connection with such installation or connection; (b) a description of the material which the applicant proposes to use in connection with such installation or construction; (c) the street, lot, block and registered plan number of the property or building in which the installation or construction is to be made or carried. In no case shall the installation or construction be buried until the same shall have been inspected and tested under pressure by the Director of Municipal Works or any person duly authorized by him.
6. For the purpose of inspecting such water works the Director of Municipal Works shall cause any obstruction, matter or thing which may interfere with such inspection to be removed, and no person shall interfere or prevent said Director of Municipal Works from removing any obstruction, matter or thing which may interfere with or prevent his making a thorough inspection of any water works.
7. Immediately after the completion of any water works or part of such works and before such work or any part of such work has been covered or concealed the Director of Municipal Works shall be notified that such work is ready for inspection. Such notice shall request the Director of Municipal Works to inspect such work within two (2) days thereafter (not including Saturdays, Sundays or Public Holidays).
8. No person shall obstruct or prevent the Director of Municipal Works or any person duly authorized by him from carrying out any or all of the provisions of this Bylaw, nor shall any person refuse to grant the Director of Municipal Works, or any person duly authorized by him, permission to inspect any water works at any reasonable time.

9. Applications for the laying of service pipes, or for the turning on or off of the water to or from any premises shall be made in writing and delivered to the District offices and must be signed by the owner of such premises, or the owner's duly authorized agent (who must produce written authority), signing as such, and such owner shall be personally responsible for the payment of all rates and rents which may become payable between the date of the application and ten days after the date upon which the owner shall have delivered to the District offices a duly signed notice ordering the discontinuance of such service.
10. The District may in any case require from any consumer desiring a water supply or a renewal of a water supply, an agreement between such consumer and the District as a condition of which supply is to be granted, and such agreement may contain any terms or conditions not inconsistent with this Bylaw.
11. Upon receipt of an application for a water service or connection, the Director of Municipal Works may lay down the service connection from the main to the lot boundary.
12. The Director of Municipal Works shall in every case determine the size of the pipe to be used in supplying any premises and also the position in the street in which it is to be placed, and no work of any kind connected with such service shall be permitted to be done on or under the streets by any person other than an employee of the District unless otherwise granted by the Director of Municipal Works.
13. The District may refuse to connect the water service to any premises where the service pipes are not up to the standard required by the Director of Municipal Works.
14. The District may refuse to supply water to any consumer, may discontinue the supply of water to any consumer or any premises other than by a metered service, or may charge a rate for unmetered services as established by this bylaw.
15. Water meters shall be installed in all premises receiving water from the District as stipulated in this bylaw, and shall be installed in accordance with District of Invermere Water Meter requirements and BC Building Code as amended or replaced. An employee of the District, or its Authorized Agent shall install meters.
 - (a) The District or its Authorized Agents may choose to install a meter in a meter pit for meter installations. Such meter pit may be installed on a service within a road right-of-way or on private property adjacent to the road. Such meter pit will remain the property of the District or its Agent.
 - (b) An application for a second or subsequent service pipe to any one site may be allowed by the District of Invermere. If an additional service pipe is approved by the Director of Municipal Works, the consumer shall, at their expense, have a separate water meter pit installed to meter the separate line(s) that branches off before their residential water meter or a separate irrigation line.

- (c) Notwithstanding the degree of annexation of meters in or on any premises, the meters shall not constitute a fixture or improvement to such premises and the meters are and shall remain the property of the District or its Authorized Agents, who shall maintain, repair, replace, inspect and read the same. If such property is damaged or destroyed, the consumer in or on whose premises the meters have been placed shall pay to the District, or its Authorized Agents, the value of the property so damaged or destroyed or the cost of repairing same.
- 16. Consumers who desire to have their service discontinued shall give the District Offices ten (10) days notice of such desire, and the service shall be cut off at the termination of ten (10) days' notice, but before the service is again renewed the tenant or occupier shall pay to the District the fee hereafter mentioned for the renewal of the service. No service shall be renewed to any premises when there are arrears of rates or rents against such premises or against the applicant for such renewal.
- 17. If a consumer is dissatisfied with the consumption as recorded by his meter, he may, apply to the District to have his meter tested. If, upon such test, the meter is found to be recording accurately, he shall pay a fee of Fifty Dollars (\$50.00) plus G.S.T. for the test. In the event of the test showing the meter to be recording more water than is consumed in such test, no charge shall be made for making the test and the consumer shall be allowed a rebate on the consumption for a period not exceeding the three (3) months immediately prior to such test, the amount of the rebate to be determined by the percentage of inaccuracy as shown by the test.
- 18. Any person may apply to the District to have their meter read outside of the normally scheduled reads. Such read shall be subject to a fee of Twenty Five Dollars (\$25.00) plus GST to be paid prior to the read being done.
- 19. In case of non-payment of rates or rents after the day on which such rates or rents become due and payable, the District may cut off the service in respect of which such rates or rents are due, without notice.
- 20. When the rates or rents remain unpaid after the day upon which they become due and payable, the District may sue for and recover the same in any Court of competent jurisdiction.
- 21. No person shall destroy, injure or tamper with any meter, hydrant, valve or other fixture or part of the water works, and no person shall in any manner interfere or meddle with the water service or works in any roadway, or make any additions or alterations in connection with the water system or any service, or turn on or off any corporation stop-cock or gate-valve without permission from the Director of Municipal Works.
- 22. In case the supply of water shall fail, whether from natural causes or accident in any way, the District shall not be liable for damage by reason of such failure, whether same arises from the negligence of any person in the employ of the District, or from any other cause

whatsoever, nor shall the District be liable in any event for damage to person or property, arising, accruing or resulting from the use of water from the works.

23. The District reserves the right to shut off the supply of water to any consumer for the following reasons: for maintenance; for repairs; for want of supplies; for violation of any of the provisions of this Bylaw; for non-payment of rates or rents when due; and assignment or insolvency of the consumer.
24. The Director of Municipal Works is hereby authorized from time to time to fix certain hours during which it shall be unlawful to sprinkle or use in any manner whatsoever the water supplied by the District upon any lawns, gardens or yards. No water shall be used during such prohibited hours unless and until a permit in writing has first been obtained from the District Offices, application for which shall be made in writing. It must be conspicuously exhibited upon the premises for which it is issued. In case of a water shortage or other emergency, the Director of Municipal Works shall have the power to restrict the use of water.
25. All taps furnishing garden hose, jets or sprinklers shall be turned off immediately on the sound of the fire alarm and shall not be turned on again until the fire, in respect of which any alarm was sounded, has been extinguished.
26. It shall be unlawful for any consumer to sell or dispose of District water, or to give it away to any person or persons whatsoever, or to permit it to be taken or carried away by any person or persons whomsoever, or to use or supply it to the use or benefit of others or to wrongfully or improperly waste such water. In case of deficiency of the service, notice thereof should be given forthwith at the District Offices.
27. The District shall render water bills for the rates and rents chargeable.
28. The rates and charges levied for the supply of water within the District of Invermere shall be as outlined in Schedule "A" which is attached to and forms part of this Bylaw.
29. A consumer shall be required to pay a Water Meter Fee at the time of application for service as outlined in Schedule "B" which is attached to and forms part of this Bylaw.
30. Contamination, Cross-Connection and Backflow Prevention
 - (a) No person shall connect, cause to be connected, or allow to remain connected any piping, fixture, fitting, container, appliance or cross-connection that could cause or allow drinking water quality, the service, or a private service to become contaminated, degraded or polluted in any way and under any condition, including but not limited to backflow caused by backpressure or backsiphonage as a result of the disruption of the water supply from the water system, unless an approved backflow prevention assembly has been installed and tested in accordance with this section.

- (b) Where the Director of Municipal Works determines that there exists a connection or cross-connection prohibited by this Bylaw, he may give written notice to the consumer to correct the connection or cross-connection at the expense of the consumer within the time specified in the notice.
 - (c) A consumer to whom notice has been given under this section shall correct the connection or cross-connection by installing a District approved backflow prevention assembly.
 - (d) Where the Director of Municipal Works determines that a connection or cross-connection prohibited by this section places a consumer or any other person at immediate risk, or if the consumer fails to correct the connection or cross-connection as required by this Bylaw, Council may order the disconnection of the supply of water without notice until such time the connection or cross-connection is corrected.
 - (e) Every consumer shall, upon the installation of an approved backflow prevention assembly and annually thereafter, or more often as required by the Director of Municipal Works, arrange for the inspection and testing of the assembly by a certified backflow prevention assembly tester. The results of all inspections and testing shall be submitted to the Director of Municipal Works within 30 days of such inspection and testing.
 - (f) All consumers shall permit the Director of Municipal Works or the Building Inspector to enter their premises at all reasonable times in order to carry out inspections and surveys of the premises to determine the existence of connections or cross-connections prohibited by this section.
 - (g) A new Service Connection shall not be turned on at the curb stop until the consumer's water service has been inspected by the municipality's Building Inspector for connections and cross-connections prohibited by this section. This shall not prohibit the use of a water service for construction purposes for a limited time, provided the Director of Municipal Works is satisfied that adequate provision is made to prevent backflow into the District's water system.
31. Except as in this Bylaw or in any amendment to the same otherwise provided, no monies received by the District in payment of rates, rents fees chargeable under this Bylaw or under any amendment thereto, shall be applied to the payment of the rates, rents or fees for the then current month, until all rates, rents and fees which shall have become due in previous months have been fully paid.
32. Every consumer must keep all pipes, stop-cocks and other fixtures or part of the waterworks on their premises in good order and repair and protected from frost at their own expense, and when premises are vacated, the stop-cock on the inside wall of the premises shall be turned off by the tenant leaving the premises or by the owner of same and the District shall not be responsible for any damage caused by open valves.

33. Upon the failure of any consumer to comply with the rules, regulations and provisions of this Bylaw contained, the District may, without notice, shut off the water supply, and remove its property from the premises of the consumer.
34. Every person guilty of an infraction of this Bylaw shall be liable on summary conviction to a penalty not exceeding One Hundred Dollars (\$100.00) for each offence, and a fresh penalty not exceeding the same amount for every day, or portion of a day during which such infraction shall continue.
35. Water Utility Bylaw No. 1053, 2000 and Water Utility Amendment Bylaw No. 1114, 2001 are hereby repealed.
36. This Bylaw comes into force and takes effect upon the 1st day of January, 2004.

Read a First Time this 22nd day of December, 2003.

Read a Second Time this 22nd day of December, 2003.

Read a Third Time this 22nd day of December, 2003.

ADOPTED this 30th day of December, 2003.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of Bylaw No. 1198
this _____ day of _____, _____.

Chief Administrative Officer

Appendix 1

SCHEDULE "A"

RATES AND CHARGES

The following shall be the rates and charges levied for the supply of water within the District of Invermere:

Each water meter will be charged an annual flat rate plus a consumption rate. All consumption is charged at \$.36/m³ except agricultural users in the Agricultural Land Reserve which will be charged \$.05/m³. As well, all agricultural users in the ALR shall pay an annual flat rate of \$50.00/year for their meter; regardless of meter size.

Type of Meter	Flat Rate	Consumption Rate
Standard 5/8" x 3/4"	\$50.00 - Annually	\$.378/cubic meter
3/4"	\$50.00 - Annually	\$.378/cubic meter
3/4" T10	\$50.00 - Annually	\$.378/cubic meter
1"	\$95.00 - Annually	\$.378/cubic meter
1 1/2"	\$95.00 - Annually	\$.378/cubic meter
2"	\$195.00 - Annually	\$.378/cubic meter
2" Truflo	\$195.00 - Annually	\$.378/cubic meter
3" Truflo	\$295.00 - Annually	\$.378/cubic meter
3" TT(Turbine)	\$295.00 - Annually	\$.378/cubic meter
4" Truflo	\$395.00 - Annually	\$.378/cubic meter
5/8" T10	\$50.00 - Annually	\$.378/cubic meter
Agricultural within the ALR	\$50.00 - Annually	\$.0525/cubic meter

Non-metered Users:

Reason	Rate
Meter refused	\$777.00 (four X the median user rate) annually
Meter not possible	\$194.25 (median rate) annually
Economically not feasible	\$194.25 (median rate) annually
Waiting for a meter	\$194.25 (median rate) annually
A separate water line that branches off before the water meter OR a separate non-metered irrigation line that was in place before Jan 1, 2000.	\$78.75 annually

- (a) Where an unmetered private residence has one or two suites, an additional charge of the appropriate non-meter user rate will apply for each suite.
- (b) Where a non-metered user feels it is to their economical advantage, but the District feels it is uneconomical to install a meter, the user may choose to install a meter at their cost.
- (c) A 2% penalty shall be added to the outstanding balance of unpaid rates or rents after the day upon which they become due and payable.

Appendix 1

SCHEDULE "B"

WATER METER INSTALLATION FEE SCHEDULE

The residential water meter fee includes the following:

- 5/8" x 3/4" water meter
- meter setting fittings
- installation of water meter within a 325 mm copper pipe run
- supply and installation of a remote reading device and connecting cable

All new residential customers must provide a space for a meter setting in an accessible service inlet location inside the building. This meter setting must include the following:

- master shut-off valve
- 325 mm long copper pipe horizontal run
- meter isolation valve

and shall be charged out at actual costs.