



BYLAW NO. 1986

TOWN OF SMITHERS WATER REGULATION

*A bylaw outlining the definitions and regulations related to Water
within the Town of Smithers*

WHEREAS the Council may, under the authority of the *Community Charter*, provide for the regulation and use of a water system and for the construction of water connections

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

1. CITATION

Bylaw No. 1986 may be cited as "Bylaw No. 1986 – Water Regulation" and comes into effect on date of adoption.

2. REPEAL

Bylaw No. 954 cited as "Bylaw No. 954 - Water Regulation Bylaw" and any amendments thereto, are hereby repealed.

3. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

APPLICANT means a person or their duly authorized agent who applies for a service connection.

BACKFLOW PREVENTION DEVICE means any device that prevents the reverse flow of water from private systems into the municipal water system.

BUILDING INSPECTOR means the person appointed from time to time by Council as Building Inspector for the Municipality.

COLLECTOR means the Collector appointed from time to time by the Council. "Council" means the Council of the Town of Smithers.

CURB STOP means the control valve located on a service connection at the property line of premises served by a service connection.

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DIRECTOR OF OPERATIONS or DESIGNATE means the person appointed from time to time by Council as Director of Operations.

FIRE HYDRANT means any fire hydrant that is part of the water system owned and operated by the Municipality.

MUNICIPALITY means the Town of Smithers.

PARCEL means any lot, block or other area in which land is held or into which it is subdivided but does not include a highway.

PERMISSION means permission given by the Director of Operations or Designate or the Building Inspector or their duly authorized representatives.

PREMISES means any building or buildings capable of being used or occupied by any person.

RESIDENTIAL means premises that are used exclusively as a single-family dwelling unit.

SERVICE CONNECTION means a pipe connecting a water main to a parcel.

WATER MAIN means a pipe, including valves and other appurtenances in the Water System other than a service connection.

WATER METER means a device used to measure the amount of water consumed or utilized by a property by tracking the volume of water flowing through a pipe to determine the total volume dispensed at that location.

WATER SYSTEM means all water works and all appurtenances thereto, including water mains, service connections, pumping stations, treatment plants, valves and fire hydrants laid within any highways, municipal rights-of-way or easements and owned and operated by the Municipality.

4. SERVICE CONNECTION

- a. Application for a service connection shall be made to the Town on the form prescribed in Schedule "A" attached and forming part of this Bylaw.
- b. The fees applicable for service connection are as set out in Schedule "B", attached and forming part of this Bylaw.
- c. Applicable fees for service connections must be paid to the Municipality prior to their installation.

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- d. Where the owner, or his agent, of a parcel of real property desires to have his premises connected with the water supply system of the Municipality he shall make application at the Municipal Office on the form provided, and no connection shall be made to the premises of such person until the application has been approved by the Director of Operations. The Director of Operations shall determine the position of every service connection and in doing so, may defer so far as may be practicable to the requirements of the applicant.
- e. Service connections shall be installed in conformity with the Town of Smithers specifications and the requirements of the British Columbia Plumbing Code.
- f. Each parcel of real property shall be serviced by one independent service connection.
- g. No person except a duly authorized agent or employee or the Municipality shall tap or make connection with any water main of the water system, and no person shall tamper with, destroy, or obstruct the access to any part of the Water System, or turn off or on any service pipe or curb stop.
- h. All property owners or occupiers shall keep their service pipes and other plumbing fixtures on their premises in good repair and order, at their own expense.

5. WATER METERS

- a. Water meters shall be included in all construction plans and shall be installed on all non-residential service connections.
- b. The cost of any water meter installed in the Water System shall be borne by the property owner, and such water meters shall remain the property of the Municipality.
- c. Every water meter shall be installed pursuant to Municipal specifications and Municipal employees shall have access, during reasonable hours, to the premises of every property owner for the inspection of and reading of water meters and all appurtenances connected with any service.
- d. No person shall tamper with any water meter or pipes connected thereto, or break a water meter or valve seals, so as to interfere with the recording of the quantity of water supplied to any lands or premises.

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- e. It shall be unlawful for any person, business, or entity, bypasses, or otherwise interferes with the proper functioning of a water meter installed at any commercial facility or building. No person shall alter, disconnect, or circumvent the water meter in any manner, whether by physical means or through the use of bypass equipment.
- f. It shall be an offence for any person, business, or entity to obstruct, hinder, or refuse access to any duly authorized representative or employee of the Municipality, or any authorized contractor, for the purpose of inspecting, reading, testing, or repairing a water meter installed at a property. This includes, but is not limited to, physical obstruction of access, refusal to grant entry, or failure to provide reasonable cooperation during an inspection or examination of the water meter.

6. FIRE HYDRANTS

- a. No person or entity shall use, access, or operate any fire hydrant within the municipality unless they have obtained written permission from the Director of Operations or designate.
 - i) To obtain permission to use a fire hydrant, the applicant must:
 - ii) Submit a written request to the Director of Operations;
 - iii) Pay a non-refundable fee as determined by the Municipality for the processing and administration of the request;
 - iv) Provide evidence that the applicant has installed and will maintain an approved backflow prevention device or valve that meets the Municipality's requirements.
- b. The applicant must demonstrate that the backflow prevention device is:
 - i) Certified and in proper working condition;
 - ii) Installed in accordance with applicable codes and standards to prevent contamination of the municipal water supply.
- c. The applicant granted permission to use the fire hydrant shall comply with the following terms and conditions:
 - i) Use the fire hydrant only for the specific purpose outlined in the approved request;

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- ii) Ensure that the fire hydrant is not tampered with, damaged, or altered in any way;
- iii) Immediately notify the Director of Operations if the fire hydrant or backflow prevention device becomes damaged or non-functional;
- iv) The Director of Operations or designate may establish additional terms and conditions for the use of fire hydrants.

7. GENERAL CONDITIONS

- a. The Municipality shall not be liable for any loss or damage whatsoever arising from the failure of water supplies in consequence of any accident or damage to the water system, or the temporary stoppage of water on account of alterations or repairs, whether such failure arises from negligence of any person in the employ of the Municipality or Act of God.
- b. No person, unless authorized by the Municipality in writing, shall draw water from, open, close, or in any way injure or interfere with any fire hydrant, curb stop, or meter being the property of the Municipality or obstruct the free access to any fire hydrant or meter.

8. PENALTY

- a. Every person who:
 - i. violates any of the provisions of this bylaw;
 - ii. causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
 - iii. neglects or omits to do anything required under this bylaw;
 - iv. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
 - v. fails to comply with an order, direction or notice given under this bylaw; or

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- vi. prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Director of Operations on property under section 9. (b),
- vii. shall be deemed to be guilty upon summary conviction of an offence under this Bylaw.
- c. Each day's continuation of an offence under Section 8. (a) constitutes a new and distinct offence.
- d. Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding two thousand (\$2,000.00) dollars and the costs of prosecution.
- e. Any person or entity found to be in violation of Section 5. WATER METERS shall be subject to penalties, including but not limited to fines, the cost of repair or replacement of damaged water meters, and potential legal action. In addition, any unauthorized bypass of a water meter may result in the suspension of water service until the violation is rectified and any outstanding charges are paid.
- f. Any individual or entity that violates Section 6. FIRE HYDRANTS will face penalties. These penalties may include, but are not limited to, fines, costs associated with repairing or replacing damaged fire hydrants, expenses for addressing any contamination of the municipal water system, and possible legal action.

9. ADMINISTRATION AND ENFORCEMENT

- a. This bylaw shall be administered by the Director of Operations or delegate.
- b. The Director of Operations or delegate is hereby authorized to enter on any property that is subject to regulations under this Bylaw to ascertain whether the regulation or directions under this bylaw are being observed.
- c. The Council may upon recommendation of the Director of Operations or delegate, throttle or entirely discontinue any service when the property owner or occupier has been guilty of violating any of the provisions of this Bylaw, or when the public interests require such action.

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10. SEVERABILITY

- a. If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of the Bylaw.

9. TRANSITION

- a. "Town of Smithers Water Regulation Bylaw No. 954, 1991" is hereby repealed.
- b. This Bylaw comes into full force and effect as of the date of adoption.

READ A FIRST TIME THIS 11TH DAY OF FEBRUARY, 2025.

READ A SECOND TIME THIS 11TH DAY OF FEBRUARY, 2025.

READ A THIRD TIME THIS 11TH DAY OF FEBRUARY, 2025.

ADOPTED THIS 25th DAY OF FEBRUARY, 2025.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of

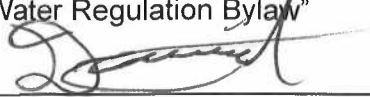


Gladys Atrill
Mayor



Michael Dewar
Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No. 1986, cited as
"Bylaw No. 1986 – Town of Smithers
Water Regulation Bylaw"



David Schroeter
Corporate Officer

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SCHEDULE "A"

WATER REGULATION BYLAW NO. 1986

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APPLICATION FOR BUILDING PERMIT

**NOTE: ACTUAL "APPLICATION FOR BUILDING PERMIT" SHOULD BE
ATTACHED TO AND FORM PART OF THIS BYLAW AS SCHEDULE "A".**

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SCHEDULE "B"

WATER REGULATION BYLAW

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SERVICE CONNECTION RATES

The fees for installation of a service connection will be charged in accordance with the Town's Fees and Charges Bylaw, as may be amended from time to time.