

**SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT
BYLAW NO. 558, 2013**

Being a bylaw to regulate the terms and conditions under which water may be distributed and used in the Sandspit Water System Service Area.

The Skeena-Queen Charlotte Regional District Board in open meeting assembled enacts as follows:

Part 1: Citation

This bylaw may be cited as the "Sandspit Water Service Regulation and Fees Bylaw No. 558, 2013".

Part 2: Purpose & Scope

This bylaw outlines the regulations, procedures and fees under which water will be provided to any parcel within the Sandspit Water System Service Area.

The provisions of this bylaw shall be applicable to and be binding upon all persons served by the Sandspit Water Service whether such persons shall have made written application or not.

Part 3: Interpretation

In this bylaw:

“Authorized Representative” means a person or agency and its employees authorized by the Regional District or the designated committee to undertake specific tasks related to the works Management of the Sandspit Water System.

“Board” means the Board of Directors of the Skeena-Queen Charlotte Regional District.

“Connection” is the activation of the supply of water to a private service.

“Cross Connection” is any physical connection of a private well or other water source to any portion of a private service connected to the water system.

“Curb Stop” means a shut off valve installed as part of the “Water Service”. When practical, the curb stop shall be located on the water main side of the property line. Such curb stop is the property of the Regional District.

“Designated Committee” is a body designated, by bylaw, with the responsibility for the works management of the Sandspit Water System.

“Disconnect” is to sever or stop the supply of water to a private service on a permanent basis.

“Occupied Pad” means a site in a manufactured home park, which has a manufactured home installed on the site that is serviced with water from the Water System.

“Owner” has the same meaning as Schedule 1 of the *Community Charter*.

“Parcel” has the same meaning as Schedule 1 of the *Community Charter*.

“Private Service” means a pipe and all valves, connections, and all other appurtenances, on private property not installed or owned by the Regional District, used to convey water from the “Water Service” to a dwelling, building, premise, or stand pipe.

“Reconnection” is the reactivation of the supply of water to a private service where a Water Service servicing the subject parcel already exists. A reconnection only applies when the private service was previously supplied with water but was disconnected at the request of the owner.

“Regional District” means the Skeena-Queen Charlotte Regional District or persons duly authorized to represent the Skeena-Queen Charlotte Regional District in respect to this Bylaw.

“Service Area” means the Sandspit Water System Service Area established by the Skeena-Queen Charlotte Water Service Establishment Bylaw No. 469 and all subsequent amendments thereto.

“Service Connection” means the physical connection, for the supply of water, from the water service to a private service, and includes all related pipes, shut-off valves and other appurtenances required.

“Shut-Off” is the stoppage, interruption or cessation of the supply of water to a private service for an indefinite period of time and made at the request of the “User”.

“Temporary Shut-off” is the stoppage, interruption or cessation of the supply of water to a private service for a limited time and for the purposes of maintenance or repairs to the water system or private service.

“Turn-On” is the reactivation of the supply of water following a temporary shut-off or a shut-off.

“User” means any person who is the owner or the occupant of any premises to which water is supplied or made available from the Water System.

“Water Operator” means a person hired or contracted by the Regional District or designated committee who is responsible for undertaking the works management of the Sandspit Water System, under the direction of the Regional District and the designated committee.

“Water Service” means a pipe and the necessary valves and protective boxes, and any other material necessary to and actually used for the purpose of conveying water from the water main to the curb stop, and shall include a water meter. The “Water Service” is the property of the Regional District.

“Water System” means the entire network of pipes, pumps, water treatment facilities, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the Sandspit water supply and distribution system.

Part 4: Management of the Water System

1. The management of the water system shall be divided into two sections which shall consist of:
 - a) Administrative Management, which shall include all matters pertaining to the levying and collection of fees, charges and penalties, requisition of taxes, developing and maintaining relevant bylaws, and all other financial and administrative duties required for the continued operation of the service.
 - b) Works Management, which shall include all matters pertaining to the engineering, construction and maintenance of the water system.
2. The administrative management shall be the responsibility of the Treasurer subject to the direction of the Board.
3. The works management shall be the responsibility of the water operator subject to the direction of the Board and any designated committee.
4. The water operator shall follow all procedures and administrative practices established by the Regional District and the designated committee in order to support the efficient Administrative Management and effective operation of the water system and reduce the potential liability to the Regional District.

Part 5: Connections, Shut-offs & Disconnections

1. An owner shall apply for a connection, reconnection or disconnection, by doing the following:
 - a) Complete the appropriate application form in the format as prescribed by the Corporate Officer;
 - b) Pay the applicable fee as specified in Schedule "A" attached; and
 - c) Agree to the terms and conditions as set out in this bylaw.
2. An owner or user shall apply for a temporary shut-off, shut-off or turn-on, by doing the following:
 - a) Complete the appropriate application form in the format as prescribed by the Corporate Officer;
 - b) Pay the proper fee as specified in Schedule "A"; and
 - c) Agree to the terms and conditions as set out in this bylaw.
3. All applications for turn-on, shut-off or disconnection of the water supply to any premises require no less than forty-eight (48) hours' notice before the service is required.
4. No person shall make an application to shut-off, other than a temporary shut-off, or disconnect the water from any premises in use or occupied by any other person until such use or occupation has ceased and the premises have been vacated.
5. Where more than one premise is provided water from a single service connection, the Regional District shall not be required to shut-off the water supply to an individual premise until that premise has been connected by a separate service connection at the expense of the owner of the premise in question and according to the provisions of this bylaw.
6. Disconnection by Abandonment
 - a) When a premise is abandoned and the owner of the premise wishes to discontinue the water connection permanently, the owner shall:
 - i) Notify the Regional District in writing in the format prescribed in Schedule "A";
 - ii) Pay the disconnection fee as prescribed in Schedule "A";
 - iii) Upon completion of a) and b) above the Regional District will, at its earliest convenience, disconnect the service connection.
 - b) In cases where the existing building or buildings are demolished, destroyed or otherwise removed from a property connected to the water system, the water operator shall shut-off the water supply. All fees will continue to apply until such time as the owner applies for a disconnection.

7. Illegal Connection

- a) No person shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the water system any property or premises otherwise than in accordance with the provisions of the Bylaw.
- b) The Regional District may disconnect any illegal connection to the water system made without the necessary permits or written authorization.

Part 6: Private Wells and Cross Connections

1. An owner who has a source of water supply independent from the Sandspit Water Service shall not connect or be allowed to be connected any portion of the independent water supply to the Water System or to any part of a private service that is connected to the Water System.
2. Where a cross connection is identified, the water operator may require the owner of the premises to take action to mitigate potential cross contamination. Actions may include the installation of a back flow prevention device or disconnection of the water service.

Part 7: Water Use Restrictions

1. The Regional District may, at its discretion, suspend or limit the consumption of water from the water system. The use of water by any or all of Users may be reduced or discontinued until the Board considers it advisable to permit full use of water.
2. Notice of water use restrictions may be delivered by hand or mail to the owner or be published in a newspaper circulating in the service area at least seven (7) days prior to the commencement of the restriction.

Part 8: Owners' Responsibilities

BC Plumbing Code

1. Private services shall be installed in accordance with the B.C. Plumbing Code and shall be constructed by and at the expense of the owner.

Maintenance of Private Service

2. Every owner shall:
 - a) Keep any private service including all pipes, fixtures or fitting in good order.
 - b) Protect all water pipes on and within their premises from freezing; and
 - c) Close the main water supply valve in the premises when the premises are vacant.
3. A private service shall be maintained by the owner at his sole expense. In the event any defect is suspected in the service connection or private service, the owner shall immediately notify the Regional District, and the water operator will, as soon as practical, operate the curb stop and determine thereby if the defect exists in the private service or in the service connection. If the defect is determined to be located in the private service, the owner shall undertake all repairs to correct the defect within ten (10) days.
4. In order to facilitate repairs to the private service, the Regional District will, upon request and at its earliest convenience, open or close the curb stop upon application and payment of any turn-on or temporary shut-off fee as set out in Schedule "A" of this Bylaw will apply.
5. In the case of leaky pipes on a property, the owner, after notification from the water operator, must undertake all necessary repairs to correct the leak within forty-eight (48) hours of receiving notice. Where the leak has not been corrected within the forty-eight hours or is to the extent to cause a significant waste of water or damage to property, then without further notice, the water operator shall have authority to shut-off off the supply of water by operating the curb stop. Before the water is turned back on, the repairs required to correct the leak must be completed to the satisfaction of the water operator. No person supplied from such service pipe shall have any claim against the Regional District, or any of its agents, by reason of such shutting off of the water.
6. When a premise is vacated temporarily, an owner or user may apply for water shut-off to protect the premises from leaks by completing the applicable form and paying the applicable shut-off fee as per Schedule "A" of this bylaw.

Maintenance of the Water Service

7. In the event a defect is suspected in the Water Service, the owner shall immediately notify the Regional District and the water operator will, as soon as practicable, operate the curb stop and determine thereby if the defect is determined to be located in the service connection or the private service.
8. If the defect is determined to be in the service connection, the Regional District shall repair the defect to the service connection at no cost to the owner.

9. If the defect is found to be in the private service, all necessary repairs to correct the defect must be undertaken by the owner within ten (10) days. The cost of repairs to the private service is at the sole expense of the owner.

Frozen Service

10. Where it is determined that a Water Service is frozen, it is the responsibility of the owner to thaw the pipe. The water operator will not thaw any private service. The owner shall be fully responsible for damage or repairs caused by his thawing method. If the owner's lack of action in thawing the private service results in the service connection freezing, the owner shall pay for the cost of thawing the service connection as per Schedule "A" attached.

Backflow Prevention

11. The water operator may require an approved backflow prevention device to be installed by the owner where it is deemed that any possible health hazard or nuisance may exist in the event of any backflow or back pressure. Unless otherwise approved by the water operator, the backflow prevention device shall be a reduced pressure backflow preventer. The owner shall arrange for these backflow prevention devices to be inspected and certified annually by a qualified inspector.

Access to Meter

12. The owner shall, at all times, maintain accessibility to the curb stop and meter box. Where the curb stop and meter box have been buried or otherwise covered over and are not accessible, the costs to create access shall be borne by the owner.
13. The owner shall supply unrestricted access to the water meter for the purpose of reading the meter and for maintenance of the service connection during the water operator's normal working hours. Failure to provide access for meter reading shall result in an extra charge per call after the first call as specified in Schedule "A" of this Bylaw.
14. In the case that a meter is located in a premise and not in the meter box at the service connection, the water operator may require that the meter be located so that access is restricted to authorized Regional District agents.

Increasing Supply of Water

15. No person being an owner, occupant or tenant of any premise supplied with water from the Water System shall increase the supply of water beyond that fixed by the rating of the premises, or shall wrongfully, negligently, or improperly waste any water.

Wasting Water

16. A user must not waste water by:

- a. Allowing water to run onto an adjacent property, driveway, highway or other surface;
- b. Continually running water in an attempt to prevent the freezing of a water pipe or line;
- c. By failing to repair a leak.

Part 9: MiscellaneousConditions for the Installation of Water Main Extensions and Water Services

1. Owners of parcels located within the service area that are not fronted by a water main may apply in writing to the Regional District for an extension of the water system. The cost of an extension to the water system will be borne by the person or persons requiring it.
2. For new parcels created by subdivision, the cost of the installation of water mains and water services to the newly created parcels shall be borne by the developer of the subdivision.

Inspection of Premises

3. Every person to whom water is supplied under this bylaw shall, at all reasonable times, allow, suffer, and permit an authorized representative to enter into and upon the premises in respect of which such water is supplied, for the purpose of inspecting the same, and the water pipes, connections, fixtures, taps, meters and other apparatus used in connection with such water supply.

Tampering with the Water System

4. No person other than the water operator or authorized representative acting in the regular scope of duties shall:
 - a) Enter into or work on the water system;
 - b) Operate, remove, or make any alteration to any hydrant, meter, valve, pumping station, reservoir or other fixture connected to the water system; or
 - c) Turn-on, shut-off, connect or disconnect a service connection.

Work to be done by Authorized Person

5. No work of any kind connected with the water system, either for laying of new or the repair of old services, shall be done by any person other than the water operator or by employees or persons holding a contract with the Regional District for the performance of such work.

Liability

6. It is a condition of the supply of water that:
 - a) In the event that the supply of water to any user shall fail, whether from natural causes or accident or from any other causes whatsoever, the Regional District shall not be liable for damage by reason of such failure.
 - b) The Regional District shall not be liable for any injury or damage to any person or property arising or occurring from the use of water from the water system.
 - c) The Regional District does not guarantee that water supplied by it is free of any impurity that would affect a manufacturing process.
 - d) The Regional District shall not be liable for any damages that may result from the Shut-off or disconnection of the water service or the restriction of water use.

Using Water for Special Purposes

7. The use of water shall not be granted for any special purpose unless approved in writing by the Regional District.

Selling Water

8. No person, being an owner, occupant, or tenant of a premise supplied with water by the water system, shall sell or dispose of any water or permit the same to be carried out.

Metric / Imperial Equivalent

9. Where metric units are used, the imperial equivalent may also be used.

Part 8: Service Connections

Size of Service Connection

1. The minimum inside diameter of a service connection shall be three quarter (3/4) inches. The size of the service connection for any premises shall be approved by the water operator. If the requested service connection then exceeds the available capacity of the water system, the water operator may limit the size of the connection.

Depth of Bury

2. The minimum depth of bury of the service connection shall be one (1) metre below finished ground elevation unless specifically authorized to the contrary by the Regional District.

Individual Service Connections

3. Each parcel shall have its own service connection. Each building shall have only one service connection except when a separate connection is required for fire protection purposes or when a building expansion, use or zoning change makes the addition of a further connection necessary.

Location

4. Where possible, the service connection will be located at the location requested by the applicant. In the event the applicant's preferred location is not practicable due to the existence of installed surface improvements or is in conflict with installed underground utilities, the water operator shall designate the location of each service connection to each parcel.

Part 11: Fees and Charges

All fees and charges are specified in Schedule "A" attached to this bylaw.

Part 12: Severability

If any section, subsection, clause, sub clause, phrase or any other part of this bylaw is for any reason held to be invalid, void or ineffective by the decision of any court of competent jurisdiction, the part in question is to be severed from the rest of this bylaw and does not affect the validity of the remainder of this bylaw, which is to be interpreted and applied as if this bylaw had been enacted without the severed part.

Part 13: Notice

Any notice in writing required in this bylaw to be provided by the Treasurer or water operator shall be sufficiently given if sent to the owner by mail, left with the owner, or delivered to the owner's place of business.

Part 14: Offence

Any person who violates any of the provisions of this bylaw or who causes, suffers, or permits any act or thing to be done in contravention or in violation of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of this bylaw, or who fails to comply with any order, direction or notice given under this bylaw shall be considered to have committed an offence and shall be subject to the applicable remedies, penalties and fines under this bylaw.

Part 15: Schedules

Schedule "A" attached hereto is included in and forms part of this bylaw.

Part 16: Repeal

The following bylaws and amendments thereto are repealed:

- a) Sandspit Water Regulation Bylaw No. 485, 2006
- b) Sandspit Water Rates Bylaw No. 488, 2006.

READ A FIRST TIME this	22 nd	day of	November 2013.
READ A SECOND TIME this	13 th	day of	December 2013.
READ A THIRD TIME this	13 th	day of	December 2013.
RECONSIDERED AND ADOPTED this	13 th	day of	December 2013.

B. Pages
Chair

J. Fraser
Corporate Officer

SCHEDULE "A" - FEES, CHARGES, AND PENALTIES

1. User Fees

- | | |
|--|----------|
| a. For each dwelling unit (per service connection)
(dwelling unit being a single dwelling, a single strata lot, or any building or structure customarily used as a self-contained living unit) | \$250.00 |
| b. For each office or place of business (per service connection) | \$250.00 |
| c. Hotels / Motels (per service connection) | \$250.00 |
| d. All other users not herein provided for (per service connection) | \$250.00 |
| e. For multi-family dwellings (per service connection)
(including apartments, duplexes, co-op housing, etc.) | \$250.00 |
| f. Mobile Home Parks (per occupied pad) | \$250.00 |
| g. User fees are billed annually in January to the owners of the parcel, or in the case of a mobile home the owner of the mobile home on record at the time of the billing. For changes in service (new connections / disconnections), bills will be prorated to the date the service change was made, providing the owner has completed the required forms listed in Schedule "A" and paid any applicable fees. | |
| h. User type (a) through (e) above are subject to an additional metered consumption charge. | |
| i. User type (f) above is subject to an additional metered consumption charge with a pooled threshold based on the number of user fees billed for a particular parcel. | |

SCHEDULE "A" (Continued)

2. Metered Consumption (Metered Water Billing)

- a. For each service connection, a consumption charge for the first 146 m³ of water (the threshold) no charge
- b. For each service connection, a consumption charge for each cubic meter of water consumed over 146 cubic meters \$1.15 per cubic meter
- c. For each Mobile Home Park, a consumption charge for each cubic meter of water consumed less a pooled threshold calculated as follows: \$1.15 per cubic meter
(The pooled threshold is equal to the number of User Fees assessed per Parcel times 146 cubic meters.)
- d. For any year that the metered billing as calculated using the rates and threshold as specified in this schedule exceed the amount of metered consumption revenue budgeted for the year, the Treasurer may adjust the threshold or metered rate for all properties to reduce the metered billing revenue to that actually budgeted.
- e. Annual metered water billing is based on the meter readings taken by the Water Operator as of March 31st or as soon as reasonably possible thereafter, each year.
- f. The meter readings represent the consumption for the previous twelve months, April 1st to March 31st. Metered Consumption Charges are billed annually in April to the owners of the parcel on record at the time of the billing.
- In the case of mobile home parks where separate meters are not installed for each mobile home, the metered consumption charges will be calculated using a pooled threshold and billed to the owner of the mobile home park.
- g. For changes in service (new connections / disconnections) the threshold for metered usage will be prorated.

SCHEDULE "A" (Continued)

3. Other Fees:

a. Service Connection Fee:

- | | |
|--|--------------------|
| i. ¾" Connection | \$1,200.00 |
| ii. 1" Connection | \$1,800.00 |
| iii. Over 1" Connections
(plus additional costs incurred for fittings and installation) | minimum \$2,000.00 |

b. Disconnection Fee: \$500.00

- i. At the time of disconnection a meter reading will be taken. The threshold for metered usage will be prorated to the date of disconnection and the user will be billed for the prorated consumption.
- ii. Should the Regional District become aware of a case where the water service was disconnected and the water service reconnected or turned back on without the Regional District's authorization, the Regional District shall back charge the Owner of the parcel all User and Metered Rates to the date of the disconnection and apply a ten (10%) percent late payment penalty.

c. Reconnection Fee \$0.00d. Temporary Shut-Off Fee \$0.00e. Shut-Off Fee \$0.00f. Turn-On Fee \$0.00

- i. All user fees and metered consumption charges continue to apply during periods that the water service was subject to either a temporary shut-off or shut-off.

g. Frozen Service Fee at cost of repairh. Fee for Subsequent Call when unable to access meter, per call \$50

SCHEDULE "A" (Continued)**4. Outstanding Fees and Charges Transferred to Taxes**

- a. Non-payment of an invoice issued under this bylaw will not relieve a person from the obligation to pay the fees, charges or penalties in full.
- b. All fees, charges and penalties remaining unpaid on the thirty-first day of December in any year shall be transferred to the Surveyor of Taxes as taxes in arrears for the folio supplied with water and form part of the rural property taxes payable for that folio.

5. Early Payment Discount

Annual User Fees are subject to a ten percent (10%) discount provided the full amount of the users fees for the current year are paid by March 31st each year. The early payment discount does not apply to Metered Consumption Charges or other fees and charges specified in this bylaw. The early payment discount does not apply to metered consumption or other fees and charges contained within this bylaw.

6. Late Payment

A ten percent (10%) penalty will be applied to the unpaid balance of any invoice not paid in full by the due date recorded on the invoice.

7. For any year that the metered billing as calculated using the rates and threshold as specified in this schedule exceed the amount of metered consumption revenue budgeted for the year, the Treasurer may adjust the threshold or metered rate for all properties to reduce the metered billing revenue to that actually budgeted.