

Bylaw 134

WATER DISTRIBUTION BYLAW – A bylaw to regulate the distribution of water

– Adopted – November 2010 Repeals #104

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Citation

This bylaw may be cited as the “Qualicum Bay Horne Lake Waterworks District Water Use and Distribution Regulation Bylaw”.

2. Administration of the System

The Corporate Officer is authorized to administer this bylaw.

3. Definitions In this bylaw, unless the context otherwise requires;

“Applicant” means a person who applies to the Improvement District for Water Service or, having Water Service, applies for an increase to the Water Service, and includes the owner or occupier of the Premises to be serviced with Water or their respective agents.

“Corporate Officer” means the person appointed from time to time by the Trustees as the corporate officer of the Improvement District under section 738.2 of the Local Government Act.

“Curb Stop” means a shut-off valve with a protective housing installed by the Improvement District within a highway or public right of way or easement abutting the property line of a Customer.

“Customer” means an applicant whose application has been accepted and who is billed for water service by the Improvement District.

“Improvement District” means the Qualicum Bay Horne Lake Waterworks District and the land within its territorial jurisdiction according to its Letters Patent.

“Permit” means a permit required under sections 7, 8, 9 and 21 of this bylaw.

“Pool” means an artificially created body of water having a depth of 18” or more used for decorative, landscaping, recreational or physiotherapy purposes.

“Premises” means land, buildings and structures or a part of them and may include two or more of them.

“Service Connection” means a pipe and all necessary valves, connections, and other appurtenances necessary and actually used to connect the System to a Premises in order to supply Water to that Premises.

“System” means the system of Waterworks owned, operated or maintained by the Improvement District by which Water is supplied to its Customers.

“Toll” means a toll, rate or charge for Water Services prescribed by the Improvement District’s Toll Bylaw.

“Trustees” means the elected Trustees of the Improvement District.

“Water” means water supplied by the Improvement District to its Customers through the System.

“Water Service” means the supply of Water to its Customers by the Improvement District.

“Water Use Restrictions” mean the Water Use Restrictions prescribed in Schedule A to this Bylaw.

“Waterworks” means all of the components of the System and includes anything capable of or useful for diverting, storing, treating, measuring, delivering, supplying, conveying, conserving, retarding, confining or using Water.

“Works” means infrastructure installed on private property to enable the property to be connected to the System.

PART 2 -GENERAL CONDITIONS OF WATER SERVICE -GENERAL CONDITIONS OF WATER SERVICE

4. No Guarantee of Water

The Improvement District does not guarantee a specific water pressure, a continuous supply of Water or a specific quality of Water to any Customers or other users of Water.

5. Conditions of Supply and Liability

The Improvement District supplies Water to Customers on the condition that the

Improvement District is not liable and will not be liable to any person for injury, damage or loss, including economic loss, to any person or property at any time caused by or resulting from:

(a) the use of Water from the System,

(b) the failure to supply any or an insufficient amount of Water to a Customer,

(c) any impurity, lack of adequate or any water pressure, increased water pressure, or other condition or matter affecting the quality or supply of Water, or

(d) the System itself.

6. Interruption of Service

(1) The Improvement District reserves the right to interrupt Water Service at any time for the purpose of maintaining, or making repairs or alterations, to the System.

(2) If the Improvement District anticipates that Water Service will be interrupted for more than four consecutive hours for the purposes of subsection (1), the Improvement District will attempt to give one day’s notice to Customers who will be affected, except in cases of emergency.

PART 3 -OBTAINING WATER SERVICE

7. Permits Required

No person shall connect a Premises or allow them to be connected or remain connected to the System, without first obtaining a Permit to do so from the Corporate Officer.

8. Additional Plumbing Fixture

(1) A Customer who wishes to change or add to the number or type of plumbing fixtures on that Customer's Premises, for the purpose of expanding a commercial or industrial enterprise,

(a) must give notice in writing of that intention to the Trustees,

(b) must obtain a Permit from the Trustees to make the change or addition, and

(c) will be liable to pay to the Improvement District any extra charge or higher Toll payable for the change or addition once the change or addition is supplied with Water.

(2) The Trustees may refuse a Permit required under subsection (1)(b) if the change or addition will have an adverse effect on the Water Service provided to other Customers or if it has the potential to damage the System.

9. Application for Service

1) A person who wishes to connect to the System must apply in writing to the Improvement District for a Permit on the form supplied by the Corporate Officer for that purpose and must pay the service connection fee prescribed by the Improvement District.

2) If required by the Corporate Officer, the Applicant will accompany the application for a Permit with a plan and specifications, which must show

(a) the size of pipes and the purpose of the size specified,

(b) the number and types of water outlets or water using fixtures to be served by the System,

(c) a description of the plumbing materials the Applicant proposes to use,

(d) the street address and legal description of the Premises to be connected to the System.

10. Service Connections

The Applicant must install the type and size of Service Connection and the arrangement of valves and other appurtenances required to regulate the flow of Water according to the specifications contained in the Improvement District's design guidelines for the System.

11. Excess Requirements

If an Applicant requires a quantity of Water, a level of water pressure or a type of water service exceeding what is available from the System, the Improvement District may require the Applicant

(a) to pay for all or part of any improvements the Trustees consider necessary to augment the System's capacity in order to meet the Applicant's requirements, or to make a capital contribution towards the future provision of such improvements, and

(b) to enter into a formal agreement with the Improvement District regarding the chosen payment option for the augmentation of the System and any other special terms and conditions under which Water will be supplied to the Applicant.

12. Inspection

1) Immediately after the completion of a Service Connection by the Applicant, and before any part or all of the Service Connection has been covered or concealed, the Applicant must notify the Improvement District that the Service Connection is ready for inspection.

(2) A Service Connection must not be covered or put into operation for Water Service until it has been inspected, tested under pressure, and accepted in writing by the Improvement District.

13. Change of Occupancy

1) The issuance of a Permit under section 7 of this Bylaw for the provision of Water Service by the Improvement District to the occupant of a Premises results in a contract between the Improvement District and the occupant that may not be transferred to another person without the written consent of the Trustees.

2) New occupants of Premises must notify the Improvement District in writing that they wish to have Water Service and provide billing details to the Corporate Officer within 10 days of taking possession of the Premises.

PART 4 -DISCONNECTION AND RECONNECTION

14. Disconnection and Reconnection at Customer's request

1) Customers who wish to have their Water Service discontinued must

(a) apply to the Improvement District for disconnection,

(b) pay to the Improvement District the disconnection fee prescribed, and

(c) give the Improvement District at least fourteen (14) days notice prior to the date of turn off.

2) Before a Water Service is reconnected, the owner or occupant of the Premises must pay to the Improvement District the reconnection fee prescribed in Schedule A.

15. Disconnection of Illegal Connections

The Trustees or the Corporate Officer may cause a connection made to the System without a Permit or made contrary to this bylaw to be removed or disconnected at the expense of the owner of the Premises to which the connection was made.

PART 5 -PROHIBITIONS

16. Interference with the System

- 1) No person, except designated officers, employees or contractors of the Improvement District, shall open, shut, adjust, draw Water from or tamper with any part of the System.
- 2) A person shall not obstruct at any time or in any manner the access to a hydrant, valve, stopcock or other fixture that is part of or connected to or with the System.
- 3) If a person obstructs access to a fixture referred to in subsection (2) by allowing surface water to accumulate around it or by placing on or near it any structure or material, the Trustees may remove the obstruction at the expense of that person

17. Works on Private Property

No person to whose Premises Water is supplied will make, or permit to be made, any additional connection, either temporary or permanent, to that person's Water Service for the purpose of supplying Water to another building or structure including, without restriction, a manufactured home, recreational vehicle or house trailer on that person's or any other person's property without the written permission of the Improvement District.

18. Cross Connections

- 1) No person will interconnect any portion of the Works on a Premises connected to the System with another source of water, such as a well, except with the written permission of the Improvement District.
- 2) The owner of Premises connected to the System must not connect the Works on those Premises to a body of contaminated water, such as a pool, without installing a back flow prevention device on the connection to prevent a health hazard resulting from reverse flow and without the written approval of the Improvement District for the connection and the back flow prevention device.
- 3) The owner of Premises connected to the System must obtain the written permission of the Trustees (and the responsible drinking water officer where required under the drinking Water Protection Act) to install a device that may permit another substance to be introduced into the Water in the System or on the Premises and must ensure that the device is designed and installed to prevent such introduction.

19. Pressure Increasing Device

- 1) No person will use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing the pressure in any water pipe without the written permission of the Trustees, whether such pipe forms part of the Improvement District's works or of the Works on that person's Premises, and the Trustees may require the person to provide them with an engineer's report certifying that the pump or device is safe to use in the circumstances.
- 2) The Improvement District may, on 24 hours notice, and without notice if the System is at risk of damage, discontinue Water Service to the Premises of a

person employing a pump or other device referred to in subsection (1).

20. Water Resale Prohibited

No owner or occupant of any Premises supplied with Water by the Improvement District nor any other person shall sell, dispose of or give away Water, or cause or permit Water to be taken away from the Premises, or sold or applied for the benefit of other persons or Premises.

21. Prohibited Use of Water

- 1) No person will use Water for watering livestock, filling pools or reservoirs, or for any purpose other than required for normal domestic use, except with a Permit issued by the Trustees and the Permit shall state the purpose, time of use, quantity of Water to be used, additional Tolls or fees payable to the Improvement District, if any, and any special works required to be altered or installed for the purpose.
- 2) An approved pool must be equipped with the recirculation and filtration system prescribed in Part 5 of the Swimming Pool, Spray Pool and Wading Pool Regulations under the Public Health Act.
- 3) No person shall use Water as motive power for the purpose of operating machinery without the written permission of the Trustees, who may terminate or withdraw such permission at any time.

22. Unlawful Use of Irrigation Water

Subject to section 27(4)(d) of this Bylaw, an owner or occupier of Premises will not cause, suffer or allow irrigation Water to flow onto or to be released on or to be used on the land occupied by that person or any part of that land, unless the Improvement District is lawfully supplying the Water to the land for irrigation purposes.

PART 6 -OWNER'S RESPONSIBILITIES

23. Onsite services

The owner of Premises, in regard to service pipes and plumbing systems within the building or buildings on the Premises and all Works located between the Premises and the outlet of the Curb Stop or the standard Waterworks valve at the property line of the Premises, is responsible for

- (a) the safekeeping, maintenance, repair and replacement of them, and
- (b) protecting them from frost or other damage, and promptly repairing them if they become frozen, leaky, damaged or imperfect.

24. System relocation

When the owner of a Premises requests the Improvement District to move or relocate any part of the System situated within an easement on the Premises, the entire cost of the move or relocation will be borne by the owner unless both parties agree upon other arrangements in writing.

PART 7 -WATER CONSERVATION

26. Limiting Water Use

- 1) The Trustees may limit the amount of Water used by any Customer in the interest of the efficient operation of the System and the equitable distribution of Water to all of the Improvement District's Customers.
- 2) If the Trustees determine that the quantity of Water being used or the rate at which it is being used from time to time by a Customer is in excess of that contracted for or beyond what the Trustees consider to be adequate, the Trustees may take the measures they deem necessary to limit the supply of Water to that Customer.
- 3) The measures referred to in subsection (2) may include the installation of a meter, partially closing the controlling Curb Stop or standard Waterworks valve, regulating the rate and time at which Water may be used, and establishing special charges for Water used in excess of a stipulated quantity or Water Toll.
- 4) The Customer must pay to the Improvement District the cost of any measures deemed necessary by the Trustees under this section.
- 5) The Trustees must give the Customer reasonable notice of any measures the Trustees intend to take under this section and give the Customer an opportunity to be heard by the Trustees before implementing the measures.

27. Water Use Restrictions

- 1) The Trustees may, at any time, implement the Water Use Restrictions prescribed in Schedule A, restricting the use of Water for sprinkling or any other purpose for a period of time or for an indefinite period.
- 2) The Corporate Officer will give advance notice to Customers of Water use restrictions either by publication in a newspaper circulating within the Improvement District or by mail.
- 3) Upon receiving due notice of the Water Use Restrictions, no person shall use Water at or during the restricted times, for the purposes forbidden by, or in excess of the limits imposed by the restrictions.
- 4) No person may at any time;
 - (a) use Water for sprinkling in excess of one hour per day,
 - (b) use more than two outlets at one time for sprinkling purposes, and neither outlet may exceed 1/2" in internal diameter,
 - (c) use an open pipe or hose for sprinkling purposes, or
 - (d) irrigate more than 1/4 acre of land, including land occupied by dwellings.

PART 8 – ENFORCEMENT AND PENALTIES – ENFORCEMENT AND PENALTIES

28. Breach of Bylaw

The Trustees may, on 24 hours written notice, instruct the Corporate Officer to have the supply of Water to any Customer who contravenes this bylaw turned off and may do so without notice in case of emergency or where the System could be damaged as a result of the contravention.

29. Not Entitled To Water

A Customer who has contravened this bylaw will not be entitled to receive any further Water from the Improvement District until the Customer has remedied the breach.

30. Customer not to Reconnect Water

A person whose Water has been turned off pursuant to this bylaw shall not turn the Water on again, or take any Water from the System until the Trustees instruct the Corporate Officer to have the Water turned on.

31. Trustees' Right of Access

The Trustees, the Corporate Officer or their designate(s) may on 24 hours' written notice or with the consent of the occupier enter in or upon all parts of a Premises at all reasonable hours for the purpose of any of the following:

- (a) inspecting or testing any works, fittings or appliances related to the use of Water,
- (b) installing, removing, repairing, reading or inspecting Water meters,
- (c) discontinuing or reconnecting Water Service in accordance with this Bylaw,
- (d) inspecting and determining whether all regulations, prohibitions and requirements of this Bylaw applicable to the Premises are being met.

32. Obstructing Enforcement

No person shall obstruct or prevent the Trustees, the Corporate Officer or their designate(s) from carrying out any of the provisions of this bylaw.

33. Penalty

A person who contravenes a provision of this bylaw commits an offense and is liable on summary conviction to the penalties prescribed by the Offense Act.

34. Repeal

Qualicum Bay Horne Lake water District Water Use Bylaw #104 is repealed

Read a First time this 15 day of September 2010.

Read a Second time this 20 day of October, 2010

Read a Third time this 24 day of November, 2010

Adopted on the 24 day of November, 2010